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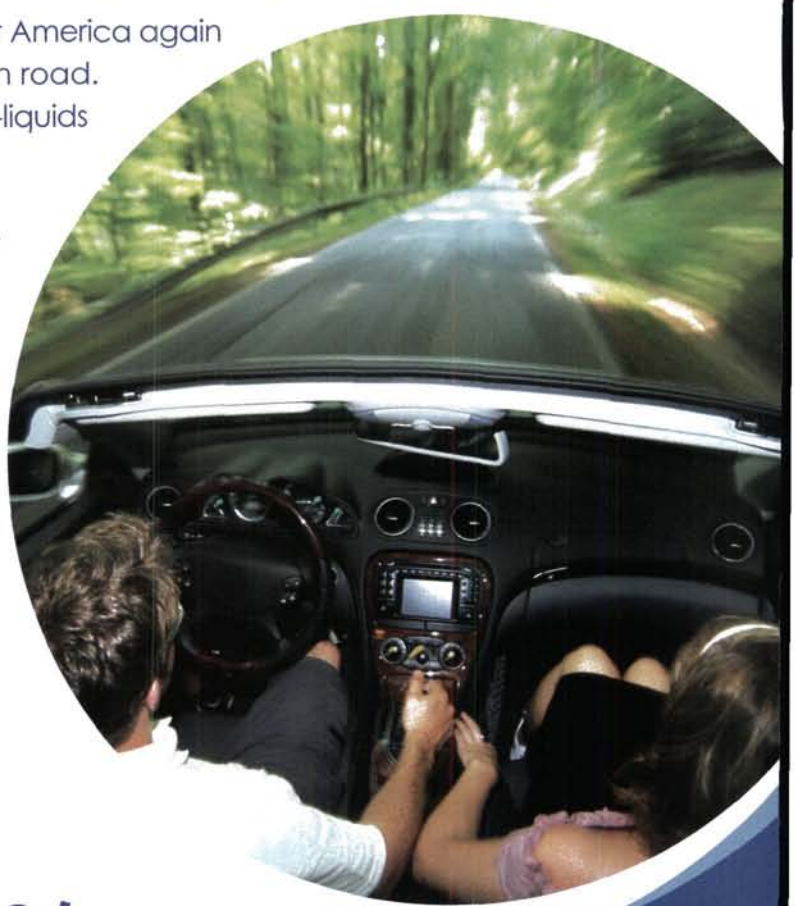

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THE NEW REPUBLIC
A JOURNAL OF POLITICS AND THE ARTS

APRIL 10, 2006 WASHINGTON, D.C. ISSUE 4,760 VOLUME 234

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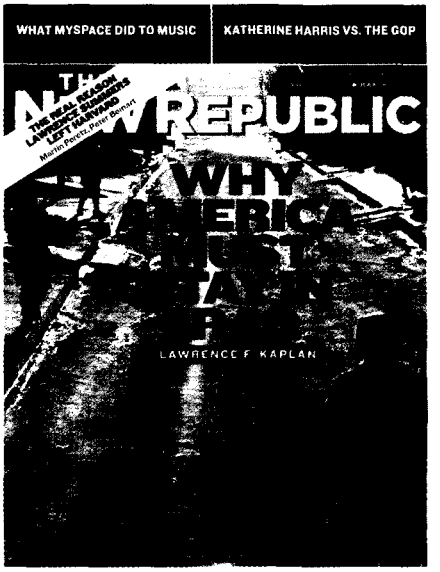
CORRESPONDENCE

JADED INFLATION

BECAUSE I AM A CONTRIBUTING editor to this magazine—and a member of the Harvard Faculty of Arts and Sciences for the last 25 years—I cannot stay silent at Peter Beinart's denigration of that faculty ("Failing Grade," March 6). Beinart offers no data to support his assertions that we—as an entire faculty—are unwilling to teach lecture courses, survey courses, or undergraduates. I cannot supply such data, but, before making public accusations, it would be responsible to collect it. Nor can I describe the educational philosophies of the more than 700 members of the Faculty of Arts and Sciences (except to say that they are, naturally, very diverse). But I can describe my own department of English, one of the largest in the faculty.

We all teach undergraduates every semester (we are allowed to offer only one graduate seminar per year). Every year, the department offers (and require of our concentrators) two survey courses: a full-year survey of British literature (which I myself taught in its entirety for six years) and a one-semester survey of American literature (which has been taught by Professor Elisa New, the wife of Lawrence Summers). We teach many other courses of a survey sort, such as "The Nineteenth-Century Novel" and "The Lyric." Many of us, myself included, give freshman seminars (about twelve students); many also teach sophomore tutorial (usually eight students); all of us teach junior-senior seminars (15 students). Most of us direct senior theses as well. We assign many papers in our seminars and return them promptly with comments. We serve as informal advisers to all our seminar students. We write enormous numbers of letters of recommendation for our students, since Harvard undergraduates are likely to apply for summer internships, post-graduate study, and fellowships. (We could hardly do this if we did not know our students.) We reward undergraduate work in creative and scholarly writing with several prizes; we sponsor an undergraduate conference. (On top of all this, we of course direct graduate students; I myself have 13 of them at present, which means I am giving counsel on the production of 13 books—and some of my colleagues


WHAT MYSPACE DID TO MUSIC
KATHERINE HARRIS VS. THE GOP
THE NEW REPUBLIC
THE REAL REASON LAWRENCE SUMMERS LEFT HARVARD
WHY
LAWRENCE F. KAPLAN

have even more graduate students than I.) Many of us in the English Department have devised core courses, often of a "survey" sort.

There is no one way to develop young minds. I have no objection to surveys, but I don't think them any more valuable than a freshman seminar that teaches a student to think with authority about a smaller subject. One of the best ways to teach what intellectual authority is—to know when one has the right to claim it—is via seminar. Once my students have read all of Keats, they know how a flimsy remark based on knowledge of one or two poems differs from a serious remark based on knowledge of an entire body of work. I love to see them develop that intellectual authority and the earned confidence that they can then display. The important thing is not to count surveys, but to train minds—and there are many ways to do so. During years of service on many of our academic committees, I saw the incredible assiduity of the faculty in teaching undergraduate courses. So I don't know why Beinart thinks Harvard professors don't want to teach to undergraduates. Neither Presidents Derek Bok nor Neil Rudenstine, so far as I know, ever complained of us in that fashion.

HELEN VENDLER
Porter University Professor
Harvard University
Cambridge, Massachusetts

I APPLAUD BEINART'S ATTEMPT TO move beyond the simplistic "political correctness" interpretation of the Summers debacle embraced by conservatives. But at least their account has the virtue of admitting that conflicting ideals are at stake in the struggle over Harvard's direction. Beinart's reduction of the story to a clash between a narcissistic, self-interested faculty and the selfless martyr Summers ignores the fact that today's universities are embroiled in a complex, freewheeling debate about how institutions like Harvard can best serve the nation in the post-cold-war world. Should the faculty of our leading research universities provide content, in the form of intellectual property and technically proficient students, for the high-tech economy? Should they train students to critically assess the ideological claims put forth by their elected representatives? Or should they weave grand dreams that might inspire the citizens of the world to throw off their chains? And who should decide? Beinart's condescending suggestion that Cornel West merely stroked his own ego, while Summers valiantly tried to "turn liberal ideals into government policy," implicitly shuts down this crucial debate about the future of U.S. universities. Whatever one thinks of West's ideas, his efforts to engage directly with citizens in the public sphere—efforts that have brought him ridicule from many of his professional colleagues—represent one of many defensible alternatives to Summers's emphasis on survey courses.

ANDREW JEWETT
Fellow
Society for the Humanities
Cornell University
Ithaca, New York

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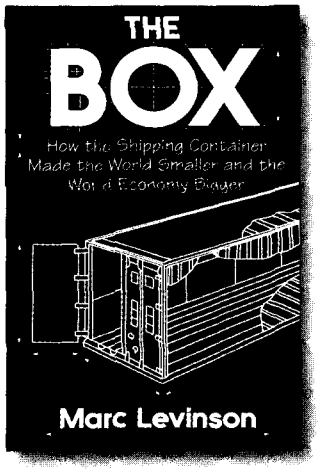

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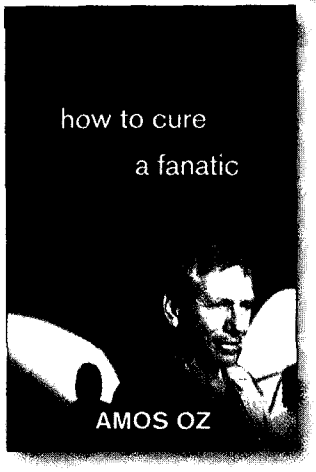

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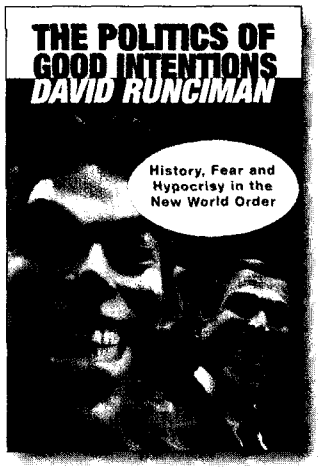

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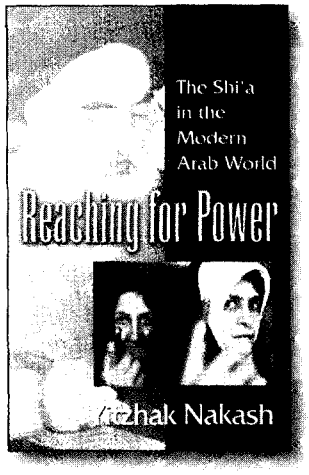

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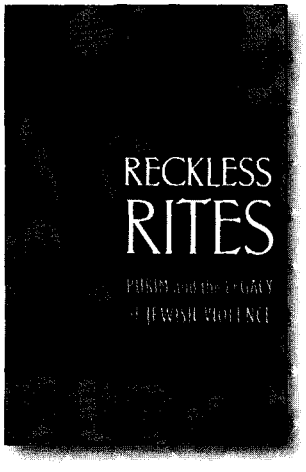

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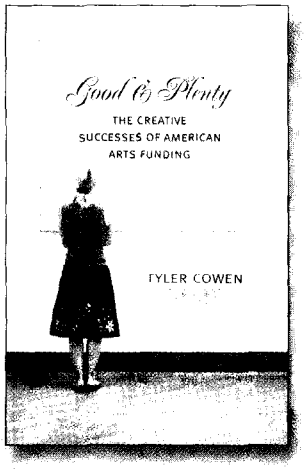

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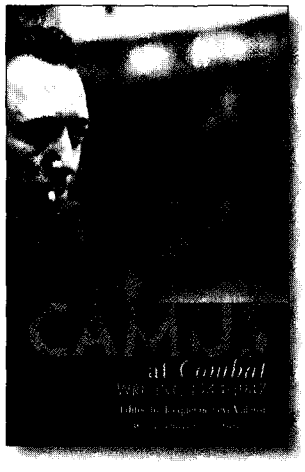

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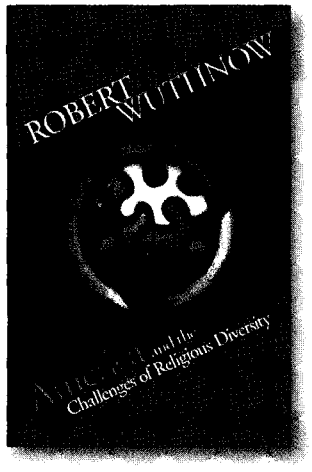

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Mexican Standoff

TRB
FROM WASHINGTON

IT'S NOT HARD TO IMAGINE WHAT Republican friends are telling President Bush right about now. "Your presidency is hanging by a thread. Democratic voters hate you. Independents aren't far behind. If the conservative base stays home this fall, your presidency is over. They're already ticked off about government spending and the ports deal. And they're at fever pitch over immigration. If you cross them on that, you might as well start planning your impeachment defense."

It's a plausible argument. Bush's call for a guest-worker program—so illegal immigrants can do the jobs the United States needs but enjoy some legal protections in the process—is exactly what conservatives do not want to hear right now. What they want is a militarized border and a government that forces teachers and nuns to report illegal immigrants rather than educate or feed them. The conservative movement's current position is that, when government intrudes on the free market, it makes things worse. Except in the case of immigration, where the United States has a vast market for low-wage labor, and Mexico has a vast supply—and conservatives think the federal government can keep the two apart, if only it would spend more money. It's amazing how people start believing in government's ameliorative capacity when a problem really bothers them. Perhaps after they rid America of illegal immigration, conservatives will let the federal government rid America of poverty.

So, politically, Bush's self-interest is clear: dump the guest-worker program, sign the harshest border-security bill he can find, and jump into Rush Limbaugh's adoring arms. There's just one problem: That's not what he believes. While compassionate conservatism has always been a slippery concept, it has generally included this injunction: Don't demonize immigrants. When Bush was sworn in as governor of Texas in 1995, he hosted five Mexican governors at his inaugural. Later that year, when California Governor Pete Wilson—proponent of the famed anti-immigrant initiative Proposition 187—was gearing up to run for president, Bush suggested that his ilk were not welcome in the Lone Star State. "We will tolerate no bashing of Mexico or immigrants," he declared. "Candidates who bash Mexico and immigrants will be asked to pay the price." In 1996, when Bob Dole and Newt Gingrich wanted to bar illegal immigrant kids from school, Bush said they were wrong. Upon being elected president, Bush broke with tradition and made Mexico, not Canada, his first foreign destination.

And Bush's views on immigration are part of a larger story. He is the first Republican president since the civil rights movement more interested in winning votes from blacks and Latinos than in winning votes by running against them. Richard Nixon used busing and workplace quotas to divide blacks and the white working class. Ronald Reagan kicked off his 1980 campaign by advocating "states' rights" in Philadelphia, Mississippi, the city where three civil rights workers were murdered. In 1988, George H. W. Bush made black rapist—and Massachusetts furlough recipient—Willie Horton into a household name.

Bush, by contrast, has not only celebrated Latino immigration; he has avoided racial and ethnic wedge issues more generally. Rather than defend Trent Lott, he eased him out of a job. And, faced with a Supreme Court case on affirmative action, he criticized quotas but stressed his commitment to diversity, and he barely ever discussed the issue again.

To be sure, Bush hasn't exactly introduced the Marquess of Queensbury rules into American politics. From swift boats to Valerie Plame to Max Cleland, his administration has proved more than willing to divide the country—and destroy political opponents—for cheap political gain. But it might at least be said of compassionate conservatism that, compared with the past, today's divisions break less along the ancient, dangerous cleavages of ethnicity and race. Indeed, the Bush-Rove strategy of appealing to blacks and Latinos on social issues holds out the prospect of an America that no longer boasts one multicultural party and one anti-multicultural party—which would be a very good thing.

But, if Bush listens to his Republican friends and signs a nasty anti-immigration bill, he will throw all that away. Conservatives sometimes say that the immigration issue doesn't really divide along ethnic lines. They even cite polling showing that Latinos aren't particularly pro-immigrant. Nonsense. In 1994, conservatives crowed about supposed Latino support for Proposition 187. But, in the end, almost three-quarters of California Latinos opposed it. And, what's more, they turned ferociously against the GOP, burying it in the Golden State for a decade. Today, with mass, pro-immigrant protests throughout the country, the same dynamic could easily recur. For Bush, the Catholic Church's leadership of this pro-immigrant movement represents a particular irony. From the beginning, his compassionate conservative rhetoric has borrowed heavily from Catholic vocabulary about the dignity of every life. Now, with conservatives using dehumanizing terms like "illegals," the Church is challenging Bush to prove that he really believes all the rhetoric he has borrowed.

If the GOP tries to keep itself in power by becoming an anti-immigrant party, it may win short-term victories. After all, nativism helped Wilson get reelected in 1994. But it will start to resemble the Republican Party of the 1930s, drawing on a native-born, heavily rural political base at a time when that base is becoming a smaller and smaller share of the American electorate.

So perhaps a more enlightened Republican friend will come to Bush and say this. "Your presidency isn't hanging by a thread; your presidency is already over. You staked it on the war in Iraq, and you lost. Even if Republicans do hold Congress this fall, they will never again acquiesce to your wishes. Your hopes of passing any kind of agenda are over. So think about your legacy. If historians say anything kind, it may be that you helped the Republican Party—which benefited so shamefully from the civil rights backlash—lay down the burden of race. Politically, you are going to lose either way. Why not do it with dignity?"

PETER BEINART

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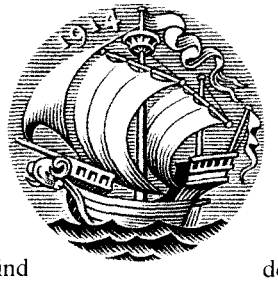
Money for Nothing

Call it the Goo-Goo Hundred Years' War. For over a century, progressives have battled to sap the political influence of wealthy individuals and powerful interest groups. With each engagement, the tactics become more sophisticated, but victory remains elusive. In the early 1900s, Theodore Roosevelt led an effort to ban corporations from contributing directly to campaigns, but executives quickly scurried around his restrictions. After Watergate, Congress limited campaign contributions and expenditures, but, two years later, in *Buckley* v. *Valeo*, the Supreme Court declared caps on expenditures an unconstitutional abridgement of free speech. And, in 2002, John McCain and Russ Feingold successfully banned soft money contributions to parties, only to watch those dollars rechanneled to new, independent groups known as 527s.

Despite these failures—or, rather, because of them—the growing stench of Jack Abramoff–related corruption makes it clear that it's time for another battle. To be sure, that scandal has already prompted official Washington to propose limits on K Street's outsized influence. But those efforts are doomed without reform of the campaign finance system that fuels the lobbying machine. That's because *Buckley* v. *Valeo*, by limiting the size of contributions but not expenditures in congressional races, actually intensified the pressure on candidates to raise money. This pressure in turn gave lobbyists a new role as fund-raisers—a pressure that McCain-Feingold increased by effectively limiting the cash that parties could dole out to candidates. At the same time, the K Street Project, the fiendishly clever brainchild of GOP activist Grover Norquist, formalized the relationship between Republicans and lobbyists. Lobbyists would raise money for GOP candidates, and, once elected, the candidates would do what the lobbyists wanted. (Of course, Democrats have their own donors who demand rewards.)

This system of campaign finance has not only nourished the excesses of men like Abramoff and politicians like Tom DeLay and Randy "Duke" Cunningham, it has contributed to a more subtle kind of corruption: the subordination of the public interest to myriad private special interests. Want to see the pernicious effects? Just look at the growth of corporate subsidies (which now total about $90 billion a year) and "earmarks" ($47.4 billion last year). The system's most generous gift to industry was the prescription-drug bill of 2003, which supposedly benefited senior citizens but primarily benefited pharmaceutical and insurance companies.



Opponents of campaign finance reform insist that regulating donations is futile, because private money will always find a way to influence politics—and they have a point. But there is a solution: Dilute the potency of private money by flooding the system with public money. Under the "Clean Money, Clean Elections" approach, first proposed by reformers in the 1990s, congressional candidates could choose to accept public financing that largely matches what their opponents or lobbying groups, such as 527s, spend against them. Candidates would be free to opt out of the system and raise whatever sums they like. But, if the public option is sufficiently generous, they'll have no incentive to do so. It is the rare politician who enjoys making himself a supplicant before donors. Is this a wild, utopian scheme? Hardly. In the last ten years, Maine, Arizona, and Connecticut have adopted a "Clean Money" approach for state candidates—and now both the House and Senate are mulling similar proposals for congressional races.

The main argument against public financing is the cost. But the cost of public funding must be weighed against the fiscal benefits. According to Nancy Watzman of Public Campaign, public financing of congressional elections would cost about $1.5 billion every two years. By contrast, the current system encourages billions each year in business subsidies and tax breaks that lack any market rationale. And it results in legislation like the bankruptcy, energy, and prescription-drug bills that amount to a transfer of billions from the working and middle classes to businesses and their stockholders. By a modest estimate, an investment of less than $1 billion per year for public financing would free more than $50 billion each year that could be allocated or saved, depending on what Congress, free of the pressures of the system's subtle kinds of bribery, decided.

Even with public financing, lobbyists and CEOs would retain more political power than average citizens. But they would not be able to establish the same kind of quid-pro-quo ties with candidates that have made Congress a welfare office for the well-connected. Public financing might not end the war over money in politics, but it could dramatically reduce the stakes. ■

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White House Watch

Card Away

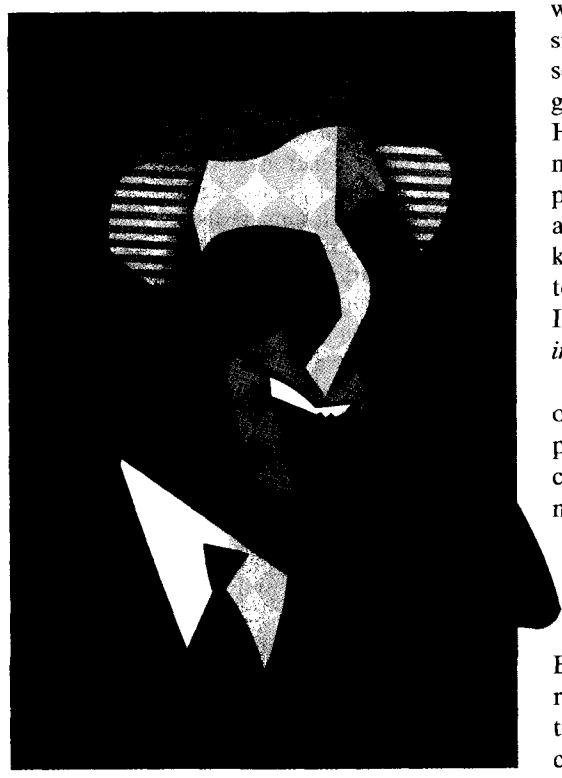
BY RYAN LIZZA

THE ANNOUNCEMENT TUESDAY that President Bush had replaced Andy Card with Card's deputy, Josh Bolten, sent me scrambling into my files for a heartwarming memento of the departed chief of staff. There, I found a letter Card once wrote me. Emblazoned with a gold presidential seal and Card's title, CHIEF OF STAFF TO THE PRESIDENT, the letter arrived back in 2001, weeks after Card sent it. Block letters on the front of the envelope revealed the reason for its delay: RETURNED FOR POSTAGE. To me, that was Andy Card: the guy who tried to mail a letter without a stamp.

Lately, it has seemed that Card was at the center of far greater acts of ineptitude. Michael Brown testified that he tried to sound the alarm about Hurricane Katrina by going straight to Card but that Bush's chief of staff rebuffed him, arguing that they ought not bypass normal FEMA procedures. Card was the first senior official at the White House to learn that Dick Cheney shot a man, yet the information still took another day to dribble out to the press. The Dubai ports kerfuffle metastasized into a full-blown scandal before Card ever alerted the president to its danger.

It was no surprise, then, that Bush concluded the problem was Card's inability to get information to him promptly. Hours after the Oval Office photo-op where Bush celebrated Card's service and announced his resignation, the president gave an interview to CNN in which he gently knifed Card in the back. One of his "most important needs," Bush said, "is to make sure I get information in a timely fashion so I can make decisions."

The dig at Card made it clear that the White House intends to use him as a scapegoat for all of Bush's current ills. But don't feel sorry for Card. For more than five years, he has worn blame as a badge of honor and elevated self-flagellation to the highest virtue of presidential service. He has long tried to convince White House observers that all of Bush's problems are his fault alone. By accepting his resignation, Bush finally agreed. It may have been the happiest day of Andy Card's life.



DAVID COWLES

THE 58-YEAR-OLD CARD will be remembered as the Republican chief of staff who transformed the position from that of imperious prime minister (H.R. Haldeman, Donald Regan, John Sununu) to lowly manservant. Like all things Bush, this change was an overreaction to the perceived errors of Bush 41's White House, where Sununu ruled like a tyrant.

Card was the perfect Bushie for such an extreme reinvention. He first arrived in the Bush world in 1979, when he chauffeured George H. W. Bush around New England during his long-shot presidential run. By the time he was named chief of staff in 2000, little had changed with respect to Card's relationship with the Bush family. According to an account in Ron Suskind's *The Price of Loyalty*, while interviewing Paul O'Neill for the job of Treasury secretary, Bush turned to a Secret Service agent and demanded, "Go get me Andy Card." Bush didn't summon him for his views on tax policy:

> Bush looked impatiently at Card, hard-eyed. "You're the chief of staff. You think you're up to getting us some cheeseburgers?"
>
> Card nodded. No one laughed. He all but raced out of the room.

Card approached his job for the last five-plus years with the same fanatical humility. He scheduled Bush's haircuts with the kind of professional enthusiasm that other senior officials reserved for mapping out war strategy or shaping Social Security policy. He sacrificed his weekends if Bush needed a biking partner. He made a point of telling reporters that he realized his wife, children, and grandkids suffer as a result of his service to the president. "[T]hat is a burden I carry," he solemnly told *The Washington Post*.

As his White House service wore on, this ostentatious modesty morphed even further into creepy masochism. He seemed to delight in the most painful assignments. After his own father died of Parkinson's disease, Card became a supporter of the life-saving potential of stem-cell research. Yet, when Bush limited federal money for the research, it was Card who made the rounds on the Sunday shows to cheerily defend the policy.

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Card developed a lightening-rod theory of his job—as long as he took the blame for all administration failures, Bush could be spared responsibility. Pretty soon, Card was claiming that everything was his fault. Jim Jeffords's flight from the Republican Party? Card confessed that he should have picked up the signals and alerted Bush: "I wish I had served the president better."

Harriet Miers? Katrina? All his fault. It was as if the first thing he did upon arrival at the White House each morning was affix a KICK ME sign to his back. Card's penchant for culpability reached its absurd climax this month, when he took blanket responsibility for *all* of Bush's mistakes—ever. "I take responsibility for everything that has not happened well," he told *The New York Times*. "I am the staffer responsible for the staff. When people are frustrated, they should be frustrated at me. It's my job."

For Card, taking abuse was a point of pride, not shame. But there was always a fatal flaw with Card's spear-catching approach to his job: It contradicted the manservant approach. Card promoted the humble details of his life as cheeseburger-fetching staffer so aggressively that nobody believed him when he took credit for administration screwups. (Besides, everyone knew the real power centers in the West Wing were in the offices of Karl Rove and Dick Cheney, not Card.) By the end of his tenure, Card was weirdly more obsessed with taking blame for Bush's failures than he was with figuring out why the failures happened in the first place.

Which is why, on Tuesday—the day Bush sacrificed Card's body to the pundit gods demanding an offering—must have been the pinnacle of Card's government service. Finally, a dramatic public gesture by the president to indicate that it was Card who messed everything up. Card's whole White House career had been leading up to this hari-kari moment. He repeatedly told interviewers that he worked hard not to become Bush's friend, "because he has to have the courage to fire me when I'm not doing the job well." Over the course of several meetings, it was Card who had to convince Bush to accept his resignation. Finally, Bush told the world what Card always knew in his heart and wanted the rest of the world to know, too: Everything was his fault.

WHEN I REREAD the letter Card sent me back in 2001, I realized he must be pleased with the way things worked out this week. Back then, he was writing in response to a rough piece I had written about him, the thesis of which was that Card's job was to take punishment for Bush's mistakes. It was sprinkled with quotes from Republicans gleefully dumping on him. One Bush adviser noted, "Andy did his job. And then [conservatives upset with the White House] pound the shit out of Andy Card. And he'll never complain, and he'll never whine about it. That's his job." I remember reading Card's letter with some trepidation. What did he think of my harsh assessment?

"Thank you," he wrote, "for trying to dispel the rumors out there with the best weapon possible: the facts." ■

Tinfoil hats in Harvard Yard.

Quiet Riot

BY MICHAEL B. OREN

WHAT DOES JERRY FALWELL have in common with Paul Wolfowitz and Howard Dean? What links columnist George Will with THE NEW REPUBLIC? All, according to a recently issued "working paper," a shortened version of which appeared in the *London Review of Books*, are agents of an amorphous but incalculably powerful "Israel Lobby." That same inscrutable organization, the paper alleges, has dictated the decisions of politicians from George W. Bush to Jimmy Carter and determined the content of *The New York Times* and *The Wall Street Journal*. The goal of the lobby? Quite simply, it wants to impose the will of a racist, colonialist, antidemocratic state on the unsuspecting American people, to provoke conflict between the United States and the world, and to endanger American lives for its own sake.

Exposés of Jewish conspiracies have long been the bailiwick of white supremacists and Islamic radicals. Indeed, the former Klan leader David Duke has lauded this document for "validat[ing] every major point" he had ever made, and the Egyptian Muslim Brotherhood has also praised it. But "The Israel Lobby and U.S. Foreign Policy," as the paper is titled, was written not by lunatics, but rather by Stephen Walt, the academic dean of Harvard's John F. Kennedy School of Government, and by University of Chicago political scientist John Mearsheimer—two of America's most reputable scholars. Well, scholars in most regards—but not in this case. To prove their argument, the professors don't rely on such banal sources as declassified records, presidential memoirs, or State Department documents. These would unimpeachably show that Arab oil (and not Israel) was America's persistent focus in the Middle East—and that presidents have supported Israel for strategic and moral reasons, not political ones. But, instead of citing archival sources, Walt and Mearsheimer pack their footnotes with newspaper articles and references to the polemical writings of Noam Chomsky and Norman Finklestein, as well as the unreservedly pro-Arab *Washington Report on Middle East Affairs*. The paper's slipshod quality was so evident that the Kennedy School removed its official seal from the treatise. Criticisms have rained down upon on it from across the political spectrum, with one notable exception—the field most pertinent to their paper: Middle Eastern studies.

Michael B. Oren, a senior fellow at the Shalem Center in Jerusalem, is a visiting lecturer at Harvard and Yale.

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The refusal of this faculty to distance itself from a report that fails to meet rudimentary research standards, posits unsubstantiated conspiracies, and, if directed against any other ethnic group, would surely be renounced as racist, raises serious questions about the state of today's academy. It should compel all those outside of academia to ask: Why?

THE ANSWER CAN quickly be discerned from a tour of recent writings by the leaders of Middle Eastern studies. One eminence, Juan Cole of the University of Michigan, has argued, "[K]neejerk US support for Israeli expansionism is at the root of anti-Americanism in the Arab world." According to Cole, "pro-Likud intellectuals" have plotted "to use the Pentagon as Israel's Gurkha regiment, fighting elective wars on behalf of Tel-Aviv." At Columbia, the political scientist Joseph Massad has proclaimed that Israel is "a racist Jewish state." Indeed, the contention that support for Israel is the primary cause of Arab rage against America has long been regarded as unassailable doctrine among American scholars of the Middle East, along with a grossly inflated estimation of the Israel lobby's potency.

The radical politicization of Middle Eastern studies stems from one generation's romance with an idea. The generation was that of the 1960s New Left, which briefly succeeded in seizing many campuses but failed to capture the society surrounding them. Retreating into the safety of their universities, these rebels set about institutionalizing their postmodernist creed, which denied the existence of objective truths and treated all narratives as equally valid. "I don't pretend to write history," Avi Shlaim, an anti-Zionist professor extensively cited by Walt and Mearsheimer, once proclaimed. "I write *my* history." Infused with the nihilism of postmodern French philosophers, this coterie was also deeply skeptical of its own country's virtue and of Western civilization in general.

Ten years after the student revolts of 1968, those students had become junior professors, but they still needed a galvanizing idea, an all-encompassing manifesto that encapsulated their relativist approach to history and cynicism about the West. That credo was just then furnished by a charismatic and gifted scholar who, though a professor of English and comparative literature at Columbia, wrote as a Palestinian attacking the venerable discipline of Middle Eastern studies.

The academic impact of Edward Said's *Orientalism*, first published in 1978, was seismic. That's because its core argument was so powerful: "[E]very European, in what he could say about the Orient, was ... a racist, an imperialist, and almost totally ethnocentric," Said maintained. He accused the old "Orientalist" professors, who once dominated the discipline, of "essentializing" the Middle East into a primitive "other," thus rendering it conquerable by the West. To cleanse themselves of these impurities, Said implied, scholars would have to identify "wholeheartedly with the Arabs," and, as he later explained, become "genuinely engaged and sympathetic ... to the Islamic world."

As a work of history, *Orientalism* is patently unsound. (For instance, Germany and Hungary, which produced the greatest Orientalists, never coveted a granule of Middle Eastern territory.) Yet, by condemning laudable curiosity about other cultures as a symptom of imperialism, by planting this sequoia of self-doubt in the innermost courtyard of academic inquiry, Said provided the New Left academics with a road map for their intellectual assault.

Said's thesis swept through Middle Eastern studies departments, which, in large measure, were transformed into platforms for advocating the Arab worldview. Scholars who challenged this dictum were branded Orientalists, and students who rejected the regnant canon were unable to publish their work or obtain tenure. Special enmity was reserved for those who portrayed the United States as anything other than a force for oppression in the Middle East or who defended Israel against charges of racism and colonialism. All narratives were valid, suddenly, except those of unapologetic Americans and Zionists.

BUT THE IDEA behind *Orientalism* did not remain within the confines of Middle Eastern studies. Inexorably, it spread to the emergent fields of gender and postcolonial studies, and, in time, it grew to dominate the humanities departments. (One Harvard junior recently told me that she has already been assigned to read *Orientalism* twice—once for a course on French colonial literature and another for an Italian-language class on Africa.) It's *precisely* this triumph that makes Walt and Mearsheimer's complaints about the Lobby's efforts "to stifle criticism of Israel by professors and students" ring so hollow. Organizations like the Israel on Campus Coalition, which the working paper specifically targets, emerged because real academic debate over the Middle East has become virtually impossible. Consider the case of Michael Doran, the promising former Princeton professor who, after venturing to suggest, in *Foreign Affairs* and elsewhere, that the Arabs—not Israel, not the United States—bore primary responsibility for their malaise, was publicly excoriated and never granted tenure. Indeed, it seems the only real disputation among scholars today is over which is the more sinister, Zionism or U.S. imperialism. Massad, for example, reproved Walt and Mearsheimer for fixating on the Lobby's power rather than on U.S. crimes in the region. "[T]he very centrality of Israel to U.S. strategy in the Middle East ... accounts, in part, for the strength of the pro-Israel Lobby and not the other way around," he argued.

"The Israel Lobby and U.S. Foreign Policy" in fact reveals little about the conduct of U.S. foreign affairs. It does, however, afford a disquieting look into just how far the pernicious ideology of Middle Eastern studies has penetrated the humanities and helped render the academy irrelevant. Gripped by absolutist theories that quash all opposition, some of America's finest universities provide environments in which partisan and shoddily documented screeds like the working paper can pass as serious research. ■

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Surveying the Israel lobby.

Oil and Vinegar

BY MARTIN PERETZ

"THE ISRAEL LOBBY and U.S. Foreign Policy," a "faculty research working paper" recently produced for Harvard's John F. Kennedy (trade) School of Government by Stephen Walt, its academic dean, and John Mearsheimer, a professor of political science at the University of Chicago, weighs in at nearly 35,000 words. The word "oil," however, appears in the document exactly seven times—all of them generic or trivial. None of the references relate to the systemic U.S. dependence on foreign crude or, more to the point, to the truly powerful lobby that has worked for many decades to satisfy it through arranging that the producer governments get what they want: mainly protection against radical Muslims or Muslim radicals and against fuel-efficient cars. Israel's friends—foreign affairs idealists and realists, rightists, leftists, centrists, Christians, Jews, nonbelievers—know the power of this oil lobby, with which they have tangled to ensure that the United States supports an ally against its many unworthy enemies.

Support for Israel is, deep down, an expression of America's best view of itself. Mearsheimer and Walt clearly have no clue that U.S. support for the Jewish restoration, rather than a result of Zionist machinations, dates back to the Puritans. And it carries through Woodrow Wilson and Harry Truman to, if you'll forgive me, George W. Bush. But rarely without colossal struggle. Indeed, how could the authors forget Truman's certified nutcase secretary of defense, James Forrestal, who held paranoid views of Zionist perfidy congruent with their own and could only relieve himself of them by jumping from a sixteenth-story window at the Bethesda Naval Hospital? (In a TNR article at the time, Harold Ickes wrote that Forrestal was a satisfied reader of this magazine!) As that incident shows, Israel's opponents were overruled during the Truman administration. But they were not when James Baker was the steward of U.S. foreign policy under Bush *père*. The truth is that the Clinton-era peace processors (Martin Indyk, Dennis Ross, Aaron David Miller), whom Walt and Mearsheimer blithely and falsely associate with the Lobby, were either leftovers from the Baker team or held a stubborn view of how to force peace: Squeeze Israel. Time and again, they imperiled Israel in order to get Yasir Arafat to accede to, in De Gaulle's phrase, the "peace of the brave."

THIS PAPER IS not research in any serious sense, although its academic paraphernalia—211 scholia, most with more than one reference—are intended to lend it an undeserved seriousness. But the apparatus deployed in this tendentious work is the labor of obsessives with dark and conspiratorial minds. Have you ever received a letter from a crackpot in which every stray fact fits together in a coherent whole? Sometimes the academy produces genuine theories-of-everything, such as those of Spengler and Sorel, Sorokin and B. F. Skinner, men of immense learning. Ingenuous and suggestive, yes. Still, even these serious men were touched by maniacal fantasies.

Mearsheimer and Walt, despite their standing as exemplars of the realist school of international politics, know ironically little about reality. They are abstractionists, constructing imaginary solutions to real conflict. Mearsheimer, for instance, has argued that nuclear proliferation is the best guarantee of peace. Germany should have the bomb—also Japan and Ukraine. This, he maintains, is not simply manageable, but preferable. What's so dangerous if Iraq and Iran have it, too?

To be sure, there is a pro-Israel lobby—or, to be precise, many pro-Israel lobbies (some of them favoring what others oppose)—and it wields some influence. But this is not at all the devious, capital-L "Lobby" that Mearsheimer and Walt claim. After all, the Lobby includes everyone from Jerry Falwell to New York Representative Eliot Engel to, well, me. Thank God I was not left out, as I was from Richard Nixon's enemies list.

I don't recall whether I've written urging the administration to go after Syria. If I haven't, it was in defiance of the Lobby, for, as Mearsheimer and Walt argue, the U.S. confrontation of Damascus was a huge achievement of the Jews. This is preposterous. The White House barely acknowledged Syria until two circumstances came together. The first was that French President Jacques Chirac, eager to return France to some prominence in Beirut and offended that Bashar Assad's security services had murdered his client, Rafik Hariri, prodded Washington to dislodge the opthalmologist's forces from Lebanon. The second was that our commanders in Iraq saw the Syrians encouraging foreign terrorists to spill Shia blood and wreak havoc in Baghdad. And so Assad's vicious gendarmerie was expelled from Lebanon.

The authors also debit the Iraq war to the Jews. Douglas Feith and Scooter Libby and Paul Wolfowitz (who, by the way, has many stated qualms with our Israel policy) apparently seduced pillars of the Protestant establishment—Donald Rumsfeld, Colin Powell, Dick Cheney, Condoleezza Rice, and Bush—into attacking Saddam Hussein. They did all this on behalf of the Lobby—the same Lobby that is now seducing the country into a military confrontation with Iran. Of course, Israel can take care of itself vis-à-vis Tehran, thank you very much. In fact, it is Saudi Arabia and the United Arab Emirates and Kuwait that are truly endangered by Mahmoud Ahmadinejad's mad Shia regime. Indeed, our own supply of oil is in danger—as is the whole effort to keep nukes out of the control of mad states, mad movements, mad men.

Mearsheimer and Walt assert, "Readers may reject our conclusions, of course, but the evidence on which they rest

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is not controversial." But, to take but one example, look at the evidence for their proposition that "Israel's presence in Jerusalem and the plight of the Palestinians" are the chief motivations of terrorists like those in Al Qaeda. (Never mind that Osama bin Laden doesn't speak much of this, and then only as an afterthought to the Islamic reconquest of Andalusia.) The first person they cite is "Middle East expert Shibley Telhami," who said, "No other issue resonates with the public in the Arab world, and many other parts of the Muslim world, more deeply than Palestine. No other issue shapes the regional perceptions of America more fundamentally than the issue of Palestine." Forgive me, but this is a pathetic citation. Telhami is a simpleminded person—good for a CNN sound bite, but no more—and so he has a simple explanation for Arab hatreds. But where does he hang his hat? At the very Saban Center for Middle East Studies that Mearsheimer and Walt characterize as one of the Lobby's intellectual headquarters. Apparently, the Jews work in mysterious ways.

For further evidence, the authors turn to Hosni Mubarak, who has also claimed it is Washington's Israel policy that spurs anti-American sentiment in the Arab world. It would be too much for Mubarak to fault his own regime, but perhaps it is our support for that despotic and debased government that makes Egyptians hate us. Mearsheimer and Walt's third authoritative mustering is to Lakhdar Brahimi, a *tiers-mondiste* Algerian who was a functionary of the League of Arab States and onetime U.N. special envoy to Iraq. He is quoted asserting that Israeli policy toward the Palestinians is "the great poison in the region" and that "in the region, and beyond," people recognize the "injustice of this policy and the equally unjust support of the United States for this policy." Even Kofi Annan could not countenance such stupidity, and he chastised Brahimi for it.

This is nonsense scholarship. "It is really the stuff," Fouad Ajami told me this week, "of easy chatter in the coffeehouses of Ramallah and Nablus, Cairo and Amman. The lurid fantasies endemic to the Arab world have been given a false but sustaining authority with the imprimatur of two great universities, Harvard in particular. The conspiracy of the Jews and their American friends against the Palestinians, and against Arabs generally, has now been demonstrated by two eminent professors. Intrigue and plot have been certified as the real engines of history."

JEFFRY FRIEDEN, HARVARD'S Stanfield Professor of International Peace (given his title, I can't imagine what he actually teaches), acknowledges that many on the faculty were "very surprised by the vitriolic response provoked by the paper in the American public." Well, at least this academic recognizes that the demos actually supports Israel, even if the professoriate doesn't. Still, Frieden himself finds the "paper's central premise ... not controversial." The professor is wrong. The "working paper" aims to prove that there is a largely Jewish pro-Israel conspiracy triumphant against U.S. democracy and U.S. interests. But the body politic itself is Israel's ally—and the body politic determines what U.S. interests are.

Professor Walt is vacating his position as academic dean of the Kennedy School in June. Even though he decided to leave the job of his own volition some time ago, Harvard should be grateful for his departure from this seat. An academic dean is supposed to be the shepherd of his faculty's (and his students') respect for evidence and scholarship. Having traduced the rules of evidence and the spirit of scholarly inquiry, he can no longer perform this function. Regrettably, Walt will not likely suffer any crueler fate than this. He has tenure, and tenure insulates one from all kinds of infractions against truth and honor. ■

Charles Murray's nuttiest idea yet.

Mr. Big

BY EZRA KLEIN

ABOUT ONCE A decade, Charles Murray has a big idea, and they keep getting bigger and bigger. In 1984, he exploded onto the scene with *Losing Ground*, a wildly overwrought—but not totally misguided—attack upon the welfare state. Ten years later, he came out with *The Bell Curve*, a quasi-eugenicist tract designed not only to prove that whites are inherently smarter than blacks, but also to create an IQ-centric interpretation of modern society.

Now he is unveiling his latest and biggest idea yet. Laid out in his new book, *In Our Hands*, he calls it—in an unacknowledged theft from cackling Bond villains everywhere—"the Plan" (capitals his). The resemblance to 007's fiendish nemeses doesn't stop at etymology's edge, though. The Plan is gleefully grandiose. It proposes the replacement of almost every social program in the United States—Social Security, Medicare, Medicaid, the Earned Income Tax Credit, you name it—with a $10,000 annual cash grant to every American.

Murray's big ideas are typically ushered onto the public stage with great fanfare, and this one is no exception: a discussion forum at the American Enterprise Institute, a gigantic op-ed in *The Wall Street Journal*, respectful reviews in the conservative press. Even those who don't want to endorse the whole of Murray's schemes seem impressed with their world-domination scale. "There are few, if any, bolder policy intellectuals than Charles Murray," enthuses *The Economist*. Andrew Ferguson, adopting a similar tone of qualified endorsement, writes, "Above all, he deserves credit for thinking his way past our increasingly tiresome

Ezra Klein is a writing fellow at THE AMERICAN PROSPECT.

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debate about 'big government'—even at the risk of being thought harebrained."

Well, OK, somebody needs to say it: Murray *is* harebrained. His particular brand of nuttery manifests itself in an obsession with bigness. Other conservatives can propose cutting this or privatizing that. Murray insists on something far more massive and extravagant. (Goldfinger wasn't content just robbing a bank: He wanted to contaminate Fort Knox with a nuclear bomb.) In the Plan, Murray's insistence on bigness has reached its final, loopy culmination.

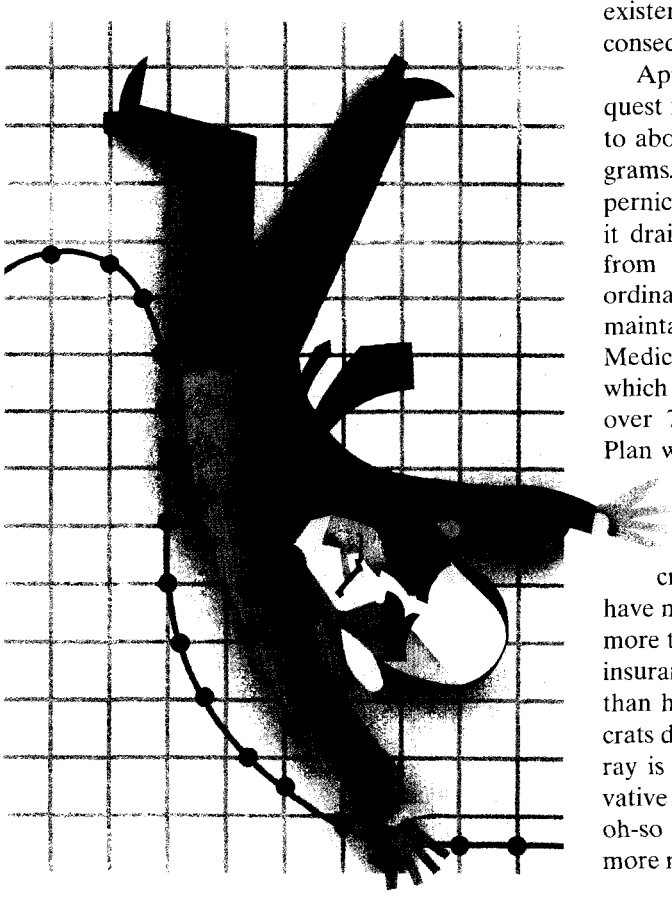
THE EXTRAVAGANT CLAIM behind Murray's $10,000-per-American plan—actually, it only covers those over 21 and out of prison, and it ratchets the check gradually back to $5,000 for higher earners—is that it would sweep away the federal bureaucracy. "Only a government," Murray writes, "can spend so much money so ineffectually." The problem is that the federal bureaucracy doesn't actually cost much money. Our country's entitlement programs are models of bureaucratic efficiency. Social Security spends less than 1 percent of its budget on administration; for Medicare, it's 2 percent. Compare that with private health insurers, who blow about 14 percent on administration.

So exploding the programs and writing checks to everybody would save barely any money at all (though that hasn't stopped President Bush). Indeed, if you imposed the Plan immediately, it would cost a staggering $355 billion more than the government currently spends. Some efficiency.

Murray replies that the costs of entitlement programs will rise, while costs of the Plan won't (save for those imposed by population growth). Therefore, after 2011, the Plan will be cheaper. But this is a trick. What's driving entitlement costs is health care costs, and what's driving health care costs is the pharmaceutical industry and technological advancement.

Murray's answer is that the Plan will stop health care inflation, ushering in a consumer's utopia of choice, competition, and rationalized end-of-life care. "When health care is subjected to the same choices that people make about everything else in their lives—'Is it worth it to me?'—the health-care industry will respond in the same way as other industries constrained by market forces, with better products at lower cost," he writes. But the United States already has the most free-market health system in the developed world, and it's by far the most expensive—and getting more expensive all the time. Murray assumes not only that the Plan will slow this process, which is implausible enough, but he also assumes it will bring health care inflation to a stop. If the Plan failed to achieve this miraculous result, then the citizens of Murray's hypothetical libertarian paradise would be stuck with a fixed sum with which to buy life-sustaining health care that grows progressively more unaffordable every year.

Having quickly rewritten all of U.S. social policy in a scant 79 double-spaced pages, Murray moves on to even more outrageous claims. The last section of his book, "The Larger Purpose," unveils his true messianic intentions. There is, he writes, a "momentous effect of the Plan: the revitalization of the institutions through which people lead satisfying lives." Thus follows an extended discourse on how the United States can avoid the perils of becoming like Western Europe—where many countries, surveys show, register higher levels of happiness than this country, but not the sort of happiness of which Murray approves. Murray then embarks upon a meditation on the nature of happiness. One such section is titled, modestly, "The Nature of Man as Social Being." The following Murray sentence, from his *Journal* op-ed, captures much of the flavor: "[I]f you agree with me that to live a human life can have transcendental meaning, then we need to think about how human existence acquires weight and consequence."



Apparently, the timeless quest for meaning comes back to abolishing government programs. "The welfare state is pernicious ultimately because it drains too much of the life from life," he argues. The ordinary conservative pundit maintains that Social Security, Medicare, and Medicaid—which together account for over 75 percent of what the Plan would abolish—are unaffordable. Murray argues that they have created an existential spiritual crisis. Our lives would have more meaning if we spent more time haggling with health insurance bean-counters rather than having Medicare bureaucrats do it for us. Because Murray is not an ordinary conservative think-tank hack. He is oh-so weightier, oh-so-much more meaningful. ■

DAVID COWLES

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Meet Tommy Goldstein. The Hustler

BY NOAM SCHEIBER

HAD YOU BEEN at the U.S. Supreme Court on February 28, you might have thought you'd wandered into the middle of a revolution. The first sign the old order was crumbling was the line of 200 people in front of the building. This was hardly unusual in itself. Many landmark cases attract throngs of local lawyers, interns from surrounding offices, even concave-chested high school boys who would die happy having glimpsed Earl Warren's robe. But there was something different about these people. They didn't look like they had dressed for the occasion, or really any occasion at all. The women wore tight-fitting tops; many of the men sported T-shirts and blue jeans. There were more baseball caps than at a Yankees game. Just in front of me at a metal detector, a group of teenage girls who looked ready for a taping of "Total Request Live" had cut the line. "How did you get in here?" a guard demanded. "Do you know how many people are lined up outside waiting to get into this?"

This was case number 04–1544. Or, as it was known to the crowd, the Anna Nicole Smith case. Smith is the former *Playboy* playmate who caught the eye of billionaire oil magnate J. Howard Marshall II 14 years ago while working as a topless dancer. Marshall, who was then approaching 90 years old, married his 26-year-old sweetheart after purportedly paying to have her breasts enlarged. The groom died a mere 14 months after the wedding. And the question that has been wending its way through the courts ever since is whether Marshall meant to leave Anna Nicole a portion of his fortune, as she claims, or whether the millions Marshall showered on her and her breasts during his life were the extent of his largesse, as her 67-year-old stepson claims.

But, then, no one had come to the Court for a lesson on probate law. As soon as Chief Justice John Roberts banged his gavel to end the argument, the entire gallery jumped to its tiptoes to catch a glimpse of Smith's bleached-blonde tresses. Outside, some 30 cameras were trained on the building's front doors. NBC alone had dispatched at least three reporters—Pete Williams, its legal correspondent; Norah O'Donnell, the MSNBC White House correspondent; and Tim Vincent, a New York–based reporter from the tabloid show "Access Hollywood."

Over the last three decades, the legal system has undergone a dramatic democratization process. Every jealous ex-wife, aggrieved former burger-flipper, and small-town whiplash victim now has access to legal talent, and four of the most common words on television are "have you been injured?" But only recently has democracy finally come to the Supreme Court. And, contrary to appearances, it wasn't Anna Nicole who ushered it in. It was a slight, prematurely graying man who, on the day of the Smith hearing, was standing near a staircase off the main chamber, tapping on his BlackBerry. He was perhaps the only person at the Court oblivious to the mayhem around him, at least until I called his name. "Hey, man," he said, wearing an impish grin. "Did you come to see the show?"

Tom Goldstein is the founding partner of Goldstein & Howe, the world's only law firm devoted exclusively to Supreme Court litigation. Goldstein happened to be at the Court because he was co-counsel to E. Pierce Marshall, Anna Nicole's disgruntled stepson. But the Smith case was the least of his concerns. Last November, Goldstein had argued *Georgia* v. *Randolph*, a Fourth Amendment case that tested the bounds of permissible search and seizure. The case had enormous implications for the right to privacy, and Goldstein was anxiously awaiting a decision. In addition to *Randolph*, this term he is either counsel or co-counsel to more than 10 percent of the Court's entire caseload—including such important cases as *Hamdan* v. *Rumsfeld*, which will decide the constitutionality of trying war-on-terrorism prisoners before military commissions, and *Randall* v. *Sorrell*, a landmark campaign finance case.

At 35, Goldstein has already argued an astounding 16 cases in front of the justices—making him one of the youngest nongovernment lawyers ever to reach this mark. But the important thing to know about him isn't the number of major cases he has handled. It's the way he has handled them. What most distinguishes Goldstein from his colleagues in the ultra-patrician world of Supreme Court advocacy is that he didn't learn his craft at an elite law school or at the side of a Supreme Court justice. He learned it from the generation of ambulance-chasers who had already crashed the rest of the legal world. It was only seven years ago, after all, that Goldstein, not far removed from his law school days at American University (A.U.), opened a practice from his laundry room and promptly began cold-calling prospective clients.

Needless to say, this brashness has not endeared him to the inhabitants of the world's last great bastion of elitism. Roberts, a former Supreme Court advocate himself, is on the record deriding the practice of Supreme Court cold-calling. If you needed a heart surgeon, Roberts once mused to a reporter, you wouldn't hire the one who called you out of the blue. According to former clerks, other justices have shared Roberts's reservations about Goldstein's en-

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trepreneurial style. Former Justices William H. Rehnquist and Sandra Day O'Connor were known to look pained when presiding over Goldstein cases. Many of the clerks themselves—some of the top legal minds in the country, who exert enormous influence behind the scenes—apparently feel the same. Each year, they perform an annual revue, in which they impersonate the justices and a small number of unofficial fixtures at the Court. It is a sign of both his status and the scorn he evokes that Goldstein has merited his own personal roasting. And yet it is Goldstein, and not his detractors, who will surely win out in the end. In fact, he already has. These days, almost all but the whitest of white-shoe Supreme Court advocates do business the Goldstein way.

Since the death of Rehnquist, legal scholars and pundits have endlessly debated whether or not we're on the brink of a Roberts Court or an Anthony Kennedy Court (after the swing-voting justice) or even a John Paul Stevens Court (after the liberal icon who is its longest-serving member). And, if the measure of influence is one's effect on the Court's jurisprudence, then that's a debate that rightly continues. But, if the proper measure of influence is the extent to which one has shaped the Court's norms and culture, then there is no debate at all. It's not Roberts's Court, nor even Stevens's. It is Tommy Goldstein's.

IF YOU WERE to poll the justices about the model Supreme Court advocate, the winner of that poll would very likely be a man named Carter Phillips. Phillips does not work out of his laundry room. He did not receive his law degree from American University. And he does not, under any circumstances, make cold calls.

What Phillips does do is run the Washington headquarters of the 1,600-attorney firm Sidley Austin. At 53, he is also the firm's top Supreme Court advocate. Arguing before the Court is considered the most intellectual and least commercial enterprise in the legal profession, which contributes to its patrician ethos. And, this April, Phillips will do it for the fiftieth time. Phillips ascended to this lofty perch along an exceedingly conventional path: Northwestern University, where he studied law; the Supreme Court, where he clerked for Chief Justice Warren Burger; and the U.S. government, where he was a protégé of Solicitor General Rex Lee. Last fall, Phillips became the first lawyer to argue before newly confirmed Chief Justice Roberts, who is a longtime friend.

Phillips greeted me from behind a mahogany desk in his corner office in Sidley's steel-and-glass building, only a few blocks from the White House. He was dressed in a sleek, bluish-gray suit, a starched white shirt, and a shimmering blue tie. I had asked him to discuss the cultural shift within the Supreme Court bar generally, but he brought up Goldstein unprompted only a few minutes into our conversation. Phillips couldn't say for sure how many other firms aggressively solicit business. But he did know one thing: "Obviously Tommy Goldstein has. He doesn't blink an eye about it." It turns out even Carter Phillips isn't entirely insulated from Goldstein's new world order, and he illustrated this with a tinge of bemusement. "I've had a couple cases where I was retained by the client to handle the case, and another firm went to them and offered to take on the representation for free. Which I thought was a little strange, given that the client had already retained me." (Phillips was quick to add both that the client stuck with him and that the rival firm was not Goldstein's.)

There is no doubt that Goldstein's approach represents a break in the rich history of Supreme Court advocacy. From about the late eighteenth century until about the mid-'80s, there was, at best, a tiny circle of lawyers who regularly argued cases before the Court. As Kevin T. McGuire notes in his book *The Supreme Court Bar*, these lawyers were a rarefied bunch. Francis Scott Key (of "Star-Spangled Banner" fame) was one of the great early advocates. So was Daniel Webster, who argued an astounding 168 cases during his career. If you were a man of sufficient stature, you might call on Key or Webster to handle your case. But the process was highly informal. If you had to ask how to hire them, then it probably wasn't happening.

The first major shock to this system came when a handful of former Reagan-era lawyers left government to enter private practice. Both the business and the legal worlds had become exceedingly complex, and this created an opportunity to make a living exclusively from Supreme Court litigation. The most famous of these early movers was Phillips's mentor, Rex Lee. Lee had argued dozens of cases before the Supreme Court on behalf of the Reagan administration. When he joined Sidley, he marketed himself explicitly as a Supreme Court specialist. But Lee and his rivals had fancy pedigrees and hard-earned reputations. They disdained ambulance-chasing; business would come to them. With a few exceptions, this norm more or less held until Goldstein opened his doors in 1999.

Though Phillips said he is a fan of Goldstein, he was not quite ready to trade places. Phillips told me that what attracts big-named clients to Sidley, in many cases, isn't his own sterling reputation, but all the legal firepower he has at his disposal. "If you look at the number-two at Sidley, it's going to be ... a Rhodes Scholar, a former Supreme Court clerk—an extraordinarily credentialed, very experienced lawyer." Goldstein, he pointed out, has no such advantages. Then again, Goldstein didn't start out trying to attract big-named clients.

ONE DAY THIS winter, I showed up at Goldstein's home in the A.U. Park neighborhood of Washington to discuss the anatomy of the cold call, the black art to which he owes his professional reputation. Goldstein has a wiry frame and tiny hands, even for a man of his small stature. His eyelids are heavy, and his hair is close-cropped. He was wearing a pair of ratty jeans, an ash-colored crew shirt, and dark socks. On his face was what looked like a couple days' stubble.

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To get to the offices of Goldstein & Howe, we had to walk up two flights of stairs. Over the years, the firm has upgraded from Goldstein's laundry room, to a spare bedroom, to an entire third floor, which Goldstein had added on. Still, the firm has only a single large space—maybe 40 feet by 25—which alternately serves as its lobby, its conference room, Goldstein's office, and the office of three colleagues. Goldstein makes his cold calls from a workstation in the room's southeast corner, a war-room in miniature with two oversized, flat-screen monitors and a desk strewn with electronic gadgets.

The way Goldstein's cold calls work will be familiar to anyone who has ever tried to sell something by phone. Goldstein calls up a lawyer, says he thinks their case might be Supreme Court material, and then commences making small talk and, eventually, his pitch. The process involves the stick-to-it-iveness of a used-car salesman and frequent rejection. But it also succeeds at a surprising rate. The reason is that Goldstein was among the first to identify a vast, unexploited market. What's been happening for decades, he says, is that sophisticated clients like wealthy corporations have been filing lots of cert petitions—the documents in which a lawyer lobbies the Supreme Court to take a case. But people without money and knowledge of how the Supreme Court operates almost never file cert petitions, even when the Court is certain to take their cases. These are the clients Goldstein pursues. "What I can do is fix some of the—to misuse an economics term—diseconomies in the system," he told me while fidgeting with a black paper clamp.

As the competition for these cases has intensified, Goldstein has tweaked his model slightly. These days, he not only helps clients appeal to the Supreme Court; he also preserves their lower-court victories by blocking their opponents' appeals. Early last year, for example, Goldstein contacted a small-town Georgia lawyer named Wilbur T. Gamble. One night in 2001, Gamble's client, Scott Randolph, got into an argument with his estranged wife at their home. She called the police, and the cops asked if they could search the premises. Randolph refused; his wife consented. She led the patrolmen to a stash of cocaine, prompting Randolph's arrest and eventual conviction. He appealed his conviction to the Georgia Supreme Court and won.

Goldstein knew the state would appeal to the Supreme Court. He wanted to block the appeal and asked to take the case. Gamble expressed interest but never followed up. Over the years, however, Goldstein has kept after enough people to make his own luck. A few months after soliciting Gamble, Goldstein got a call from Randolph himself. As expected, the Court had accepted the case, and Randolph had decided he needed a Supreme Court specialist. He handed the reins over to Goldstein, who was confident he could convince the justices that the lower court had it right. "To go the other way," he explained, "to say that, even if you object, you can't keep the police out of your house—it goes too far."

NOT TEN MINUTES after my first-ever phone conversation with Goldstein, he e-mailed me a Word document he had compiled titled "Prominent Members of the S. Ct. Bar and Their Backgrounds." The one-page file lists 14 of his most distinguished colleagues and their credentials—law school, Supreme Court clerkship, solicitor general's office experience. Without exception, they made Goldstein's resumé look puny. Goldstein obviously knew this. The point of familiarizing me with the uppermost tier of Supreme Court advocates was to demonstrate how unlikely it was for a guy like him to be in it.

Goldstein enjoys success most when the odds are against him. And the way he made it to the Supreme Court was by lengthening them dramatically. There was a time in his life, after all, when Goldstein had the makings of a traditional advocate. The son of a lawyer, he grew up in Florida and South Carolina and was a fanatical debater in high school. But this passion very nearly derailed his academic career. When he got to the University of North Carolina, he devoted so much energy to debating that he may well have flunked out had he not hit it off with Amy Howe, a student who lived in his freshman dorm (and later his wife and law partner). To get by, he enrolled in Howe's courses and then borrowed her notes around exam time.

Thanks partly to the mediocre grades this tack produced and partly to a screwup in mailing out his LSAT scores, Goldstein managed to complete his senior year without gaining acceptance to a single law school. Goldstein had wanted to be a lawyer for as long has he could remember, and now he was desperate. Eventually, he turned to his stepmother's distant cousin, who was an adjunct lecturer at American University in Washington. That person went to the law school's director of admissions and pleaded on Goldstein's behalf. "He said, 'This is my favorite cousin, Tommy, and I think he'd be a really good law student,'" Goldstein recalled. "And they admitted me to the evening program."

Goldstein spent two summers during law school interning for NPR legal affairs correspondent Nina Totenberg, who eventually helped him land a clerkship with a federal circuit judge. After the clerkship, Goldstein accepted a job at the Washington office of a Cleveland-based firm called Jones Day. Like a handful of its rivals in the '90s, Jones Day had started asking young associates to occasionally troll for so-called circuit splits—that is, cases where one lower appeals court (or "circuit") had ruled one way on an issue and another had ruled another way, making them ripe for appeal to the Supreme Court. The hope in putting lawyers on this project was to identify and then solicit Supreme Court cases. The only problem was motivation: Young associates at large law firms have a million tasks on their plates, not least the drudgery of logging thousands of billable hours. Even if they successfully identified a case, it would likely be a top partner who got the glory of arguing it. Not surprisingly, over the previous several years, the

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firm had little success attracting Supreme Court cases.

The long odds appealed to Goldstein, however. "He really enjoyed doing it in a way that most of us didn't," recalled David Sanford, a colleague of Goldstein's at the firm. "Some people like to play basketball, some go to movies. Tommy likes to do circuit splits." Goldstein began tweaking the firm's search algorithm. Before long, he saw a way to make the game more interesting: He took it upon himself to land the cases—which is to say, to start cold-calling. In a matter of months, he had collected four Supreme Court cases, and, as he honed in on the fifth, Goldstein decided to have a conversation with his superiors. "I said, if this case does get granted ... I'd really like to [argue it]. And they said no, which was undeniably the correct decision. Their point was that I had no experience at all."

Up until this time, Goldstein had figured he'd make his mark in ordinary trial work, not appellate work. When he considered the people who normally argued before the Supreme Court, he didn't see anyone who looked like him. But now he realized that pedigree didn't much matter. If anything, the effect of his middling credentials was to make the game more interesting. "It was a complete demystification," he said. "It became apparent to me that it's hard—you have to work hard at it. But there's nothing at all magical about this."

Pictures from a revolution: Tommy Goldstein, the Lenin of the assault on the Supreme Court (right). Anna Nicole Smith, the Rosa Luxemburg of the struggle (below).

As a kind of consolation prize, the partners at Jones Day agreed to put him on track to argue a Supreme Court case eventually—by first having him argue a number of appellate cases, then working his way up to the big show. It was a reasonable offer, but absurd in its own way. Goldstein reckoned that, had he accepted, it could have been more than a decade before he finally argued before the Court.

Goldstein's response was to raise the stakes again. He quit Jones Day in 1997 without so much as a single job interview in hand. It took him a few weeks to line up an offer at another firm—"long enough to make my wife nervous," he said. But then, thanks to a lawyer-friend's recommendation, the just-launched firm of famed litigator David Boies called asking if he'd be interested in joining its Washington office. Boies, who attended the obscure University of Redlands before graduating magna cum laude from Yale Law School, is not one to obsess over credentials. "Where you went to law school, how well you did in law school, are important criteria," he recently told me. "Much more important is the intelligence, ability to focus, the passion."

In his second year at the firm, Goldstein landed two cases that the Court subsequently accepted. One involved the Los Angeles Police Department and concerned a First Amendment question. When the police make an arrest, they release the information to crime reporters working on the story. But the law allowed the police to deny the information to lawyers trying to sign up the detainees as clients. At heart, the case was about whether lawyers like Tommy Goldstein should be able to cold-call prospective clients. Goldstein decided to cold-call the LAPD and see if he could help freeze these lawyers out.

Eventually, he got a hold of Byron Boeckman, the attorney handling the case, and said he would be willing to file the cert petition for free

CRIS MOLINA/THE PHOTOGRAPHER'S GALLERY (TOP); SPLASH NEWS AND PICTURES/NEWSCOM

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if the city would let him argue it. Boeckman, who is now retired, recently told me that Goldstein called at just the right moment. "We were very, very busy at the time. It was a major case. ... There were a lot of issues we weren't very expert in. ... And so I was thrilled." Was he worried that Goldstein sounded a little green? "You know, I did think about it. He sounded awfully young for his experience level." But Boeckman felt much more comfortable after doing a little due diligence. "I researched the firm. ... I knew the firm had an impeccable reputation. And they're not going to let his work go unsupervised."

Not long after, Goldstein left Boies & Schiller to launch his own practice. Supervision was a thing of the past.

TWO YEARS AGO, as the Court was handing down a number of decisions, Goldstein parked himself in a lounge near the main chamber and began typing furiously into his BlackBerry. No bona fide democratizer can take himself seriously without a blog, and so, naturally, Goldstein has one. *SCOTUSblog*, whose content he and his employees produce, is one of his most successful innovations. The blog has become a hub for Court-related discourse and is widely read by other lawyers, law professors, journalists, and even, one suspects, the justices themselves. Goldstein's goal on this day was to relate the decisions to his readers in real time.

This wasn't the kind of behavior the Court normally tolerates, alas. "The marshal of the Court called me and said, you know, 'Were you blogging from the courtroom?'" Goldstein recalled. "I said, 'No no no no. I was in the lawyer's lounge.' She said, 'OK, you're not going to be able to do that any more.'" Goldstein laughed. "I said, 'OK, fine, sorry. I didn't mean to make anybody mad.' I think that everyone else on the bar, their natural reaction is, 'Don't do something that would be unusual or rock the boat,'" he said. "And that sort of screen hasn't existed for me."

Part of the discomfort Goldstein arouses among those in the Court's orbit stems from the conservative, establishmentarian instincts one finds in people who've succeeded along a well-worn path. And there is no one more establishmentarian within the Court than Roberts. Though the justices are notoriously aggressive questioners, he seemed to pack an extra bit of pique during *Georgia* v. *Randolph* this fall. Roberts had proposed a hypothetical to test Goldstein's logic: If the police showed up at a ten-bedroom apartment and all but one of the roommates agreed to let them in, would the police be turned away? Goldstein responded by reversing the question: What if nine people objected and only one agreed? "What I'm saying," he concluded, "just to return to the basics, is ..." At which point Roberts testily cut him off: "What—well, what is your answer to [my] case?"

This is not to suggest that Goldstein is ever out of his depth before the justices. To the contrary, as Goldstein has become more prominent and the cases he handles have grown meatier, he has matured into a formidable courtroom presence. "I have never regretted referring anyone to Tom," said Harvard constitutional scholar Laurence Tribe, who sent business Goldstein's way early in his practice and maintains a relationship with him to this day. (Goldstein was even a top lieutenant to Tribe and David Boies during *Bush* v. *Gore* in 2000.) "He has handled everything with real grace as well as talent."

And, though there's no doubt that justices like Roberts can make Goldstein play by their rules during arguments, there is little they can do to stop the more meaningful changes Goldstein has imposed. Compare the Court's docket during, say, the mid-'90s with the docket of the last three or four terms—after Goldstein hit his stride. What you find is an important difference in the kinds of cases that have been appearing before the Court: There are significantly more cases involving private citizens with limited means, small businesses, and cash-strapped institutions like the city of Los Angeles.

These, of course, are classic Goldstein clients. But, these days, he's not the only lawyer snatching up their cases. A generation of imitators has followed suit. More and more firms are adopting Goldstein's methods to lure even lower-paying clients. Large firms like the Chicago-based Mayer, Brown have even fixed their internal incentive problems. They now let younger lawyers both pursue *and* argue Supreme Court cases. The hope is that the exercise will build the firm's reputation and eventually help it attract high-paying clients.

Goldstein has even inspired a growing mob of solo operators. One of these, a Los Angeles–based attorney named Jean-Claude André, recently told me that he first learned about Goldstein from a 1998 *Washington Post* article on the eve of Goldstein's first argument. André was in law school at the time, but, as soon as he was eligible to be admitted to the Supreme Court bar, he called Goldstein and asked for advice. "He was extremely gracious," recalls André. "He had no incentive to help me, because, to some extent, I would be a competitor. But we talk every couple of months." André has already had two cert petitions granted and likes his chances on a third. He personally knows two other lawyers who have followed a similar model.

The result of all this has been to clog up the Supreme Court's 80-case docket with numerous cases the justices and clerks are less than excited about but that they are more or less obligated to hear because they so obviously fit the Court's own criteria. The groans that result aren't entirely undeserved. The cases Goldstein and his ilk bring generally don't involve vexing constitutional questions. On the other hand, there are only so many world-historical questions the Supreme Court is going to resolve in a given term. (Though Goldstein is now such a prominent figure that he handles those, too.) The majority of cases have always revolved around issues of narrower scope. The big difference between the cases the Goldsteins of the world now bring and many of the cases they have displaced is that the latter involved wealthier clients with more refined lawyers. There

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is a word to describe one's preference for these cases, but it is not a legal term. It is a cultural one: snobbery.

OVER THE LAST few years, large law firms have periodically approached Goldstein, offering, in effect, to purchase his practice. He has always turned them down for fear of ceding too much control. But, earlier this month, he finally signed on with the global firm Akin Gump, which appeared to offer him the best of all worlds. Goldstein will basically set up a practice within a practice—like Goldstein & Howe, but with many more resources and a larger staff.

Goldstein doesn't officially start at Akin until May, but he is gradually easing himself into the firm's lifeblood. Last week, he attended a firm recruiting event in Cambridge, Massachusetts, at an upscale Harvard Square eatery called Harvest. Before flying to Boston, he had stopped by the Court in hopes that the *Georgia* v. *Randolph* decision might finally come down. The Court had already decided every other case argued around the same time, and Goldstein interpreted the delay as bad news. He figured it meant Justice David Souter—who is notorious for taking his time—was writing the opinion, and he assumed, based on the questioning during the argument, that Souter had been unimpressed. "It's really bad for us," he bleated, as close to brooding as I'd ever seen him, which was still not very close. But there was still no decision, and he left for Cambridge without resolution.

Goldstein has been in Cambridge frequently in recent years. In 2003, he was landing more pro bono Supreme Court cases than his small shop could handle, and he thought he might like to involve law students in preparing them. Many law schools run these sorts of clinics, but none had ever focused on Supreme Court work because no one believed you could attract enough of it to keep the students busy. Goldstein had the cases; he just needed students. He shared the idea with a law professor friend at Stanford, which agreed to fund the project. After the Court granted the first few cert petitions the Stanford clinic filed in 2004, the program won national attention. Soon, Harvard's dean, Elena Kagan, expressed interest, and, by 2005, Harvard had its own version.

That relationship, one suspects, is part of the reason Akin asked Goldstein to make the trip to Cambridge. It was the first time Goldstein had met many of his future colleagues, and most seemed excited to have him at the firm. But there was still some of the inevitable rear-end sniffing that accompanies introductions among highly accomplished people. At one point, Goldstein chatted with two New York–based Akin lawyers, and the conversation turned to his clinics.

"So you went to Stanford?" asked one.

"No. American."

"Where?"

"American."

"Wow. I'm having trouble hearing here. I only hear every other word."

Though some fellow lawyers may be a little standoffish, the students Goldstein mentors are almost uniformly admiring. This affection has, in turn, helped him recruit some of the top legal talent in the country. And, of course, over the long term, Goldstein's work with the clinics ensures that the people who inherit the uppermost stratum of the U.S. legal system will be sympathetic to his unique brand of entrepreneurship.

I got to observe this dynamic firsthand earlier that afternoon during a poker game with Goldstein's former students. It was around 1:30 p.m. when we showed up at the *Harvard Law Review*, perhaps the second-most hallowed institution in the legal world. As we walked into the "articles room," Goldstein began unpacking the $100 in quarters he'd schlepped all the way from Washington in a black, GOLDSTEIN & HOWE courier bag. We all gathered around a small conference table and bought in for $10. Goldstein was a natural in the role of beloved mentor, particularly when it came to questions about poker odds. He is quick with the big bet and just as quick to deduce other people's cards. Deep into one hand, he correctly guessed I was sitting on an ace and a ten.

After about an hour and a half, classes and work had thinned the game to five players. It was around this time that the door rattled, and a few unfamiliar voices entered the room. My back was to the door, but I noticed Goldstein and another student shift in their seats. I had the sinking feeling we'd been busted. Goldstein had his sleeves rolled up, his tie loosened, and was sporting a yellow-orange FOXWOODS CASINO baseball cap, which he wore backward. The sun had been shining through the room's only window all afternoon, and I suddenly became aware of our body odor.

Behind me was a tallish young man wearing a red pullover and a backpack, followed by a middle-aged couple, who appeared to be his parents. "Is this a class?" one of them asked, noting the cards and the quarters piled up in front of us. More awkwardness. Then suddenly Goldstein smiled. He recognized the student, who introduced his parents. "Tom Goldstein of Goldstein & Howe?" the father exclaimed. Goldstein flashed an embarrassed smile, and the father began gushing.

"You must have heard the one about how your firm got its name?"

"Uh, no."

"Someone said, 'Is that Tom Goldstein?' And the other one said, 'And how!' "

"No, I hadn't heard that one yet. That's great."

At 10:09 the next morning, I received an e-mail from a lawyer friend who follows the Court. "Big, big win for Goldstein on Randolph," he wrote. It turned out Souter wasn't so irreconcilable after all. The key swing vote had been Justice Stephen Breyer, which Roberts alluded to in his dissent. I e-mailed Goldstein to congratulate him. His response came a minute later, and he didn't seem surprised. "Thanks a ton," he wrote. "Very exciting." ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Another Treasure

IN 1996, WITH THEIR THIRD FICTION feature, Jean-Pierre and Luc Dardenne stepped into the front rank of world cinema. For twenty years these Belgian brothers had been making documentaries, sixty of them, for European television. Then, for whatever (blessed) reason, they began making fiction films. The first two of these have not been released here. The third, *La Promesse*, which deals with a Belgian adolescent struggling free of the dog-eat-dog ethics of his father, was immediately recognized as a star in the film firmament.

L'ENFANT (THE CHILD) (Sony Pictures Classics)

The brothers seemed to find it miraculously easy to be first-rate; and they have continued so. How comforting it has been through the last ten years to remember that they are working, that two film-makers of our time have such gifts of spiritual scope and unembarrassed compassion and have the art to present their insights simply, almost humbly. Their next film, *Rosetta*, about an adolescent working-class girl's abrasions with the world, was not quite at the transcendent *Promesse* height, but it grew from the same impulses and craft. Then came *Le Fils*, in which a carpenter learns that his new young apprentice, lately released from prison, is the thief who murdered his child. The profundity of this film, taciturn yet overwhelming, suggested some sort of kinship with nineteenth-century Russian masters.

Inevitably, the approach of a new Dardennes film evokes both eagerness and fear—that it may not reach their accustomed level. **L'ENFANT (THE CHILD)**, as it is being called, is thus doubly welcome. It rewards the eagerness, and it sweeps away any worry about its quality. The brothers have given us another treasure. Once again they have made a drama of redemption, and once again they convince us that it is possible.

The place is a Belgian industrial city. The first shot is of a young woman carrying an infant up a flight of dingy stairs. Only after the film is finished can we recognize that this image—a new life being carried to its future—is a muted hint of its theme. The young woman, Sonia, has just been released from the hospital, where she bore the child, and she is now looking for the father, Bruno. She soon finds him—he couldn't meet her because he was busy with a robbery—and he welcomes both of them with all the warmth of which he is capable.

Bruno and Sonia, attractive, young, truly mated, are thieves. They live in criminality as fish live in water. They fuss over their baby, they play and tease in the park as any other young couple might. Yet Bruno's main activity at the moment is to use schoolboys of twelve or so to steal from places where he cannot go and to pay them off. Money pressures harass him heavily, and one day, while Sonia is busy, he arranges to sell their baby for considerable profit to a gang that specializes in illegal adoptions. Bruno's rationale, more a matter of excuse than belief, is that the money will enable him and Sonia to survive: they can have another child. He tells her what he has done: then the camera cuts to her on the ground, where she has fainted. (The moment is much like the one in *Le Fils* when the carpenter tells his wife that his new assistant is the fellow who killed their child.)

Unexpectedly riven, Bruno manages to recover the baby from the adoption gang and repays the money that they gave him. He brings the infant back to Sonia; she seizes the child, leaves Bruno, and ignores his subsequent plea for forgiveness. Part of his penance, which she does not know, is that he still owes the adoption crooks a lot of money in return for what they would have had from the baby's purchaser, and they have threatened him. They give him a sample of what they will do if he doesn't come through.

Desperate, Bruno recruits one of his schoolboy accomplices, Steve, to steal for him. Things get jammed. They are forced to flee from the police together. They plunge into a river to hide under a dock, but Steve flounders and Bruno has to save him from drowning. The Dardennes, always concerned with adult-youngster relations, thus use Steve as a vicar for Bruno's baby. The rescue is a selfless, dangerous act. Bruno is nudged through emergency toward transformation.

Arrest and prison soon follow for him. In fact, prison is a sort of haven from the men to whom he owes money. The last scene, which protocol forbids me to describe, fulfills both the story and the theme, yet without the slightest touch of neatness. The sense is that prices have been paid for this ending. It is earned. Something has happened to the world in which Bruno and Sonia have been living.

The Dardennes have two colleagues who work with them on all their features. The editor, Marie-Hélène Dozo, understands the urgent economy in the brothers' work—not one instant too much or too little. The cinematographer, Alain Marcoen, renders the grainy city unremittingly. And, under the brothers' guidance, he dollies along in shot after shot, making movement, velocity, space components of the drama.

That unshowy yet astonishingly effective actor Olivier Gourmet, who had large roles in the previous Dardennes pictures, here proves his fealty to the brothers with a brief appearance as a detective. Sonia is the debut film role for Déborah François, but it doesn't seem so. François creates the young woman with the force of her concentration, belief, commitment. Bruno is Jérémie Renier, who was wonderfully compelling as the boy in *La Promesse* and who, nine years later, again compels wonderfully as a young man living by standards that happen not to be those of the world in general.

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The Dardenne brothers apparently have one overriding concern with their actors, akin less to Bergman than to Antonioni (two names that are not inappropriate here). Bergman, a master of theater as well as film, leads us to admire his actors' art even while they are creating it. Antonioni, though certainly not content with facile verism, wants his actors to disappear while they create. So, too, the Dardennes. They see the world as it is but more so. They see what we may sense is there but don't always perceive. For their perceptions, their persistence, their very modesty, we can be grateful. ■

Jackson Lears

When Jesus Was a Democrat

A Godly Hero: The Life of William Jennings Bryan
By Michael Kazin
(Alfred A. Knopf, 374 pp., $30)

I

To anyone who cares about the fate of our republic, these are troubling times. Yet seldom has our public discourse seemed so inadequate to the seriousness of the situation. George W. Bush's administration has pushed us into moral and constitutional crisis, but the media remain committed to business as usual—trivializing criticism of the president as partisan bickering, finding expert apologists for power to sanction appalling departures from American tradition. Think-tank intellectuals with impeccable credentials calmly discuss torture as an instrument of national policy. Bush himself, having deceived Americans into supporting his disastrous Iraq adventure, now asserts his authority to ignore legislative constraints of any kind. "Presidential historians" on public television solemnly compare him to Lincoln and other "wartime presidents," overlooking the egregious flaw in this analogy: we are not in a state of war. Instead we are in a state of permanent emergency, a murky atmosphere of genuine danger and popular anxiety that can be deployed to justify just about any expansion of executive power.

Jackson Lears is the editor of Raritan *and the author, most recently, of* Something for Nothing: Luck in America *(Penguin).*

Meanwhile the Democrats dither. Of course, this is not entirely fair. The media's fascination with power renders serious criticism almost invisible. When Al Gore gave a major speech on Martin Luther King Day cataloging Bush's misdeeds, only a few major media outlets reported it. But too many of the Democrats who are actually in public office, who bear some responsibility for sustaining an opposition party, are apparently unwilling to challenge the unchecked power of the presidency. Rarely was this clearer than on the night of this year's State of the Union address, when the official Democratic response turned out to be a bland porridge of promises served up by an unknown and amiable Virginian with presidential ambitions, whose main oratorical gambit was the leaden refrain "We have a better way."

Given this insipid excuse for opposition, Democrats might well re-examine their own traditions in search of inspiration. In the not-too-distant past, they would discover a different political universe, one that would baffle the current purveyors of red state/blue state conventional wisdom. In that strange time and place—I refer to the early twentieth-century United States—populism was about economic power as well as cultural style, and popular Christianity was about questioning imperial hubris as well as sanctifying crusades. The leading socialist newspaper came out of Kansas; the governor of Arkansas was known as a "Karl Marx for hillbillies"; and farmers crowded into Nebraska town squares to hear politicians denounce monopoly power. The most eloquent and prominent of those orators was certainly William Jennings Bryan, whose career is deftly captured in Michael Kazin's fine biography.

Bryan was not the sort of man whom contemporary Americans like to celebrate. He was the quintessential loser. From the 1890s to the 1920s, he deployed his extraordinary rhetorical gifts in the service of the "little people," the farmers and workers and shopkeepers who felt steamrollered or shunted aside by the engines of commerce and empire. He ran repeatedly for president—in 1896, 1900, and 1908—and never came close to winning. He served as secretary of state under Woodrow Wilson and resigned after twenty-seven months, feeling powerless to stop the administration's drift toward involvement in World War I. He ended his career defending biblical literalism against Darwinian evolution in the Scopes Trial, thereby assuring that he would remain a target of secularist scorn—from H. L. Mencken to Richard Hofstadter—for decades to come.

Kazin, unlike his predecessors, shrewdly recognizes that Bryan's persistent failure embodied a larger triumph. Throughout his career, Bryan championed the vision of social democracy that finally (if imperfectly) became embodied in the New Deal. Far more clearly than his successful contemporaries Theodore Roosevelt and Woodrow Wilson, Bryan understood the need for curbing concentrated corporate and government power in the name of genuine democracy. He recognized the fundamental conflict between republican tradition and imperial ambition. He was prescient on nearly every policy matter of his time, from the progressive income tax and banking regulation to union rights and federally funded social insurance. Even his critique of evolutionary thought, however embarrassing to right-thinking secularists today, focused on the dubious and repellent social applications of Darwinian theory—eugenics and similar schemes for eliminating the ethnically "unfit."

Bryan's version of Protestant Christianity was as gracious and generous as it was provincial and moralistic. This was the "Social Gospel," a worldview that Bryan shared with millions of other Americans. One of Kazin's accomplishments is to show how much Bryan had

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in common with his more urbane contemporaries, the reformers who called themselves Progressives and who counted among their number Quakers such as Jane Addams and humanists such as John Dewey. The Social Gospel was rooted in a post-millennial faith—a belief that the Second Coming of Christ would occur only after reformers had created (or done their best to create) the Kingdom of God on Earth. There were more secular versions of this story, of course; Dewey's tale of progress through pragmatic problem-solving was one of them. For all Progressives, however, the trajectory of advance, though inevitably forward, was dependent on collective action by a community of educated and morally responsible people like themselves. According to the Social Gospel, as Hofstadter dryly remarked, "Everyone was in some very serious sense responsible for everything."

The Social Gospel was a politically charged expression of a much broader evangelical consensus in post–Civil War America, a Protestant sea of language and belief that seeped into nearly all aspects of public life. The persistent project of self-improvement merged with the growing acceptance of (uplifting) leisure to create institutions such as the Chautauqua lecture circuit, where Bryan became a star performer in his thirties as a handsome and charismatic man who looked younger than his years. Under big tents pitched in places such as Chillicothe, Ohio and Davenport, Iowa, he sweated, he waved his arms, he mesmerized audiences for hours with his booming, mellifluous, but oddly conversational voice, his plainspoken anecdotes, and his biblical cadences.

Neither he nor his audiences bothered with theological niceties. They displayed the typical American trait, as William James characterized it, of disbelieving "facts and theories for which we have no use." One was the doctrine of original sin. Bryan was a liberal optimist, as Kazin points out, who believed that "Jesus was a benevolent figure and hell an anachronistic abstraction." Reverent readers of *The Commoner*, his magazine, applauded Bryan's effort to apply "the teachings of Jesus to everyday life and public affairs." Between runs for the presidency, his ceaseless speech-making was a way of "doing God's work by defending the interests of suffering humanity." Or so he and his audiences believed. And doing God's work was not merely a matter of obligatory plodding. Bryan went about it with unending gusto well into his sixties, his paunch hanging over his belt, his pants bagging at the knees, his morning-coat tails flapping in the prairie wind.

What gave a special energy to his Social Gospel was its emotional core: a yearning for regeneration at once personal and social, moral and spiritual. That common chord of longing resonated between Bryan and his audiences; the excitement it aroused was what made the evangelical consensus the seedbed of "godly insurgencies" (in Kazin's apt phrase)—the Knights of Labor in the 1880s, the Populist Party in the 1890s. Bryan caught the Populist fire and carried it into the Democratic Party, marrying Jefferson and Jesus. Like his idol Tolstoy, he was a "hedgehog" (to use Isaiah Berlin's term) who knew One Big Thing: that the spirit of Jesus could regenerate an entire society, not only saving individual souls but also suffusing social relations with democratic fellow feeling. Christianity would be the cement that held the cooperative commonwealth together.

II.

One of the great achievements of *A Godly Hero* is that it brings to life a good man with a benign social vision but apparently little inner life—certainly no inner demons—and makes him an interesting, sympathetic, even arresting character. But all that does not quite make him a model for contemporary leadership. No matter how desperately the Democratic Party needs inspiration from the past, Bryan cannot simply be lifted out of his time to speak to ours. As Kazin remarks, he embodied a persistent "yearning for a society run by and for ordinary people who lead virtuous lives." The question is: who gets to say what's virtuous? To wed politics and virtue, while defining virtue as conformity to conventional norms, is (at best) to risk terminal boredom—as William James recognized when, after a week at Chautauqua, he craved "the flash of a pistol, a dagger, or a devilish eye, anything to break the unlovely level of ten thousand good people." It was a world for decent liberal optimists—one without the dread of ennui and disbelief, the awareness of metaphysical darkness that James could never forget for long: a world for people like Bryan.

The difficulties with Bryan's worldview involve political substance as well as philosophical style. Despite his own ecumenical breadth—he displayed a tolerance for Catholics and Jews that was comparatively rare among Protestants of his day—Bryan's Social Gospel presented a problematic vision for a genuinely pluralistic society. Even at the high tide of evangelical consensus, not everyone wanted to be regenerated in quite the same way. In fact, the very notion of regeneration was rooted in the peculiarly Protestant hope of personal transformation through conversion. And the most strikingly successful Progressive drive to regenerate the body politic by regenerating individual bodies was the movement to prohibit the consumption of alcohol from coast to coast, which resulted in the Eighteenth Amendment to the Constitution in 1919. Not everyone took kindly to this mandatory national purification, particularly the non-Protestant ethnic groups that increasingly flocked to Bryan's own party. When the Democrats regained power in the 1930s, they would owe their ascendancy to a new and more motley assemblage than the one that had voted for Bryan.

The distance between Bryan and contemporary Democrats stems from a variety of complex developments in American politics and American Protestantism. Some of the most decisive changes involved the struggle for racial equality. Race was simply not on the Progressive agenda in the early twentieth century—unless it was the disfranchisement of black people in the name of "good government." Though he advocated women's suffrage, Bryan tacitly accepted the exclusion of African Americans from politics. The Populist movement may have begun (at least in the South) as a biracial insurgency, but when it entered the Democratic mainstream it was a lily-white affair. Demands for economic justice were less complicated when they avoided challenging Jim Crow.

By the time Bryan was leaving the political stage, the Progressive tradition had begun to turn into something more akin to modern liberalism. The suppression of free speech during World War I—not to mention the chilling effect of Prohibition—had led Dewey and other intellectuals (including a number

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involved with this magazine) to place a new value on civil liberties and the protection of minority rights. It would be decades before the minorities in question included African Americans, but still the change in tone was significant. The new liberalism was more secular, pluralistic, and pragmatic than the old Progressivism. As the Social Gospel faded, Protestant Christianity and radical politics pulled apart. The looming specter of Bolshevism and the Red Scare orchestrated by Attorney General A. Mitchell Palmer reinforced a fundamental shift in radical iconography. In the popular imagination, the radical was no longer the pitchfork-wielding farmer, but rather the bomb-throwing (and frequently Jewish) foreigner. White evangelical Protestantism retreated from overt political involvement for half a century, until it emerged in the 1970s in a guise that would have been unrecognizable to Bryan. By the Reagan era, Jesus was no longer a prophet of economic justice; he was a proponent of surefire personal success.

But none of this means that Bryan is irrelevant to contemporary liberalism and its current difficulties. On the contrary: there remains something compelling about the man, about the coherence of his character and his public thought. His example makes clear that morality can sustain a consistent approach to public life, not merely a set of prescribed positions on "values issues." Bryan's moral vision informed the comprehensive critique of laissez-faire capitalism that led to the American version of the welfare state. It also animated his commitment to making war the last—instead of the first—resort of foreign policy. His career should remind us that Christianity can inflect public life in humane and intelligent ways. Bryan knew that Jesus's teachings were far more compatible with radical social democracy than with devil-take-the-hindmost individualism. This subversive insight is still available, if anyone cares to remember it. And Kazin's book is the best place to see the possibilities and the limitations of the Social Gospel, through the life of its most eloquent preacher.

III.

BRYAN IMBIBED POLITICS AND religion with his mother's milk. He was born in 1860 in Salem, Illinois, a town boasting such signs of progress as a new railroad and a Methodist women's college, but surrounded by farmers fretting about tight money and mounting debt. His father was a lawyer and a prominent figure in the state Democratic Party—an organization sustained (as Kazin observes) by a "potent mix of egalitarian principles and racist fear." His mother was competent and devout, a leading member of the local Women's Christian Temperance Union. Young Bryan himself seemed fated for oratory from the outset: at the age of four, he began to give "little talks" to his playmates from the front steps of his house. At thirteen, he attended a revival of the Cumberland Presbyterians, who rejected Calvinist notions of "election," holding out salvation to all while condemning dancing, drinking, and similar profane pursuits. This was the combination of liberal theology and conservative morality that Bryan would favor throughout his life.

COURTESY ALFRED A. KNOPF

William Jennings Bryan, 1908

At Illinois College in Jacksonville, known as a haven for "red-hot abolitionists," Bryan remained a loyal Democrat, a YMCA member who never touched liquor or cards and carried a Bible around campus. In a society where public speaking was a competitive sport, Bryan quickly found his voice. Bored by the college classes in rhetoric, he practiced in the woods, by himself. The cultural atmosphere was pervaded by sentimental ideals of sincerity, and Bryan inhaled them deeply. "A lifelong romantic," Kazin remarks, "Bryan could not imagine that inauthentic motives could lead to moral behavior."

That naïveté was his weakness, but it was also his strength. It energized his courtship of Mary Elizabeth Baird, the daughter of a prosperous Jacksonville merchant and student at the local Female Academy—"the Jail for Angels," as the town boys called it. She was a domestic version of the New Woman, more concerned with public ideas and issues than with entertaining and dressing well. Reversing Victorian gender roles, she was pragmatic and skeptical, while her suitor was didactic and visionary. In a letter to her in 1880, he struck a characteristically portentous tone, referring to himself in the third person: "Law will be his profession, his aim, to mete out justice to every creature, whether he be rich or poor, bond or free. His great desire is to honor God and please mankind"—and also "to stand with Webster and Clay." A little put off by Bryan's relentless piety, Mary eventually accepted his marriage proposal. She studied law and passed the bar exam, sharing a double desk with Bryan while also finding time to raise their three children, manage the household, and try to safeguard the health of a man who loved chicken-fried steak and peach pie with ice cream. During their early years together, Will's absorption in public life left Mary isolated and sometimes quietly desperate. After he lost a Senate bid in 1894, she asked him to quit politics. When, knowing himself, he said he could not, she accepted her fate stoically. Whatever inner restlessness she may have felt, she remained her husband's indispensable partner throughout their life together.

Bryan's career sputtered briefly, then caught fire. After several tedious years of practicing law in Jacksonville, he visited a law school chum in Lincoln,

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Nebraska, and "caught a vision" of "a new country." He packed up his young family and headed west. Soon after he arrived in Lincoln, he began introducing himself to every Democratic leader in the state. The party was poised between the laissez-faire Bourbon establishment and the insurgent Farmers' Alliance; the key issue dividing them was how much (if any) government intervention to demand on behalf of the dispossessed. Bryan took his time deciding which faction to support, but hard times helped make up his mind.

In the late 1880s, the forces of nature and the market combined to create unprecedented hardship for Nebraska farmers. They were battered by blizzards, bankers, and brokers; their profit margins were squeezed down to nothing by high railroad rates, tight money, and mounting indebtedness. When they got lucky and raised a bumper crop of corn or wheat, their prices plummeted. Commodities markets were as menacing and unpredictable as the weather. The situation was a severe instance of a chronic condition: farmers were damned if they did and damned if they didn't. The alliance spoke directly to their desperation, drawing on a long rhetorical tradition that arrayed the producers of the prairie against the parasites of Wall Street.

Bryan was raised in that tradition, and he quickly began to deploy it as a young activist in the campaign of 1888, stumping statewide on behalf of Democratic candidates. Addressing discontent with simple force, he perfected his speaking style. Returning one night from the northwest corner of the state, he awakened Mary to share his excitement. "Last night I found that I had power over the audience," he said. "I could move them as I chose. I have more than usual power as a speaker.... God grant that I may use it wisely." He knelt by the bed and prayed. The boy orator was already melding grandiosity and humility, on his way to becoming the Great Commoner.

In 1890, Bryan ran for Congress. It was a propitious moment. Local Farmers' Alliances were coalescing into the People's Independent Party, a.k.a. the Populists. Running as a Democrat, Bryan wanted to lead a prairie insurgency. He attacked tariffs, trusts, and the gold standard—which since 1873 had created a narrow basis for the money supply, making borrowing expensive and indebtedness a heavy burden. He waffled on Prohibition so as not to alienate his working-class constituency in Omaha. Stopping in saloons, he had his aide buy beers all around while he himself quaffed soda water. He won in a walk, the second Democratic congressman in Nebraska history.

BRYAN'S FIRST STAR PERFORMance in Washington was a speech calling for the liberation of wool and twine from the tariff's grip; and his second demanded the free coinage of silver—an inflation of the currency designed to lift the burden of "sound money" from the backs of debt-ridden farmers'. Within a few months he had established himself as the leading agrarian radical in Congress. He ran in 1892 as a Populist in all but name, winning handily and soon confronting the ravages of Wall Street panic and economic collapse. As businesses failed and unemployment spread, a wealthy Ohioan named Jacob Coxey led a legion of "tramps" to Washington to demand federal jobs and an eight-hour day. The ruling class shivered, and the conservative Democratic president, Grover Cleveland, aimed to restore business confidence by making sound money even sounder. He proposed to repeal the Sherman Silver Purchase Act, which had authorized the government to buy a limited amount of silver for coinage. The gold standard would be re-affirmed and purified of even the smallest taint of silver.

Bryan was outraged, denouncing the proposed repeal as a deflationary move that would only exacerbate the economic depression. "Can you cure hunger by a famine?" he asked, and proceeded to deliver a series of proverbial couplets: "The poor man is called a socialist if he believes that the wealth of the rich should be divided among the poor, but the rich man is called a financier if he devises a plan by which the pittance of the poor can be converted to his use." The speech was a sensation, provoking ecstasy in the countryside and dark fulminations on Wall Street. Bryan was radicalized: he spoke out for a graduated income tax and federal insurance on bank deposits; he attacked Cleveland's intervention in the Pullman strike and endorsed the workers' right to form a union and to strike. He was attracting national attention, but his ambitions ran afoul of the Republican landslide in 1894. Setting his sights on the Senate, he won 73 percent of the popular vote but lost in the state legislature (where senators were chosen until 1913). Still, his eloquence had made him a man to watch, even while it had also given his detractors a target—"the image of a man in love with his words but heedless of rigorous argument," as Kazin puts it. Oratory made him famous, but it also blocked his path to power in the long run.

In the short run, though, it was a different story. Bryan's political defeat had been a moral victory. He was the people's choice, and he was poised to assume prominence in a Democratic Party that was lurching to the left, responding to the human cost of Cleveland's disastrous policies. The country, in deep depression, was aflame with popular movements of the discontented. In July 1896, many of them descended on Chicago, where the Democratic Party was holding its convention. Inside the hall, free-silverites from the South and West controlled the platform debate; eastern goldbugs were banned from the floor. The streets outside thronged with suffragists, prohibitionists, socialists, and Populists—a scruffy lot, thought respectable folk, whose ministers invoked the specter of anarchy.

The Democratic platform in 1896 decisively re-set the party's course away from laissez-faire and toward Wilson's New Freedom and FDR's New Deal. It declared the gold standard "not only un-American but anti-American" because it placed Americans' welfare in the hands of British bankers (this was the opening to anti-Semitism in Populist lore). It reviled Grover Cleveland for bedding down with J.P. Morgan and criticized the Supreme Court for nullifying the income tax. It demanded government control of the money supply and defended workers' right to strike. "Democrats now possessed a Decalogue of reform, but lacked a Moses to lead them," Kazin observes. But then, after a parade of unimpressive speakers, Bryan stepped up to the podium.

Bryan's Cross of Gold speech resonated with republican tradition. It was, in Kazin's words, "a Jeffersonian's plea for moral equity, not a radical's demand for power." Much of its two hours were taken up with the familiar producerist argument that farmers, miners, and other laborers created as much or more wealth than commodity traders or financiers. The nod to labor was an attempt to bring the urban worker on board, but while Bryan lavished praise

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on farmers, he had nothing to say about factory hands or building tradesmen, who could equally well claim producers' credentials. Bryan's agrarian bias would prove fatal to his campaign.

BUT NO ONE IN THE HALL WAS thinking about that as Bryan rose to his conclusion. As Kazin vividly makes clear, Bryan's gestures were as significant as his words. "'Having behind us the producing masses of this nation and the world, supported by the commercial interests, the laboring interests, and the toilers everywhere,' he declared, before raising his hands to his temples and stretching his fingers out along his forehead for the penultimate phrase, 'we will answer their demand for a gold standard by saying to them: You shall not press down upon the brow of labor this crown of thorns, you shall not crucify mankind upon a cross of gold!'"

He stepped back from the podium and stretched his arms out to his sides, holding the Christ-like pose for five seconds. There were a few moments of silence, and then "everybody seemed to go mad at once," the *New York World* reported, "the whole face of the convention was broken by the tumult—hills and valleys of shrieking men and women." *The New York Times*, like much of the established press, saw the dire social implications at once: "a Wild, Raging, Irresistible mob" had been unleashed by a demagogue.

It is hard to grasp this apocalyptic furor over apparently arcane questions of currency management. In our own time, economic debate is conducted in reified abstractions and dueling statistics, in categories created by academic economists. "Over the past century," Kazin politely observes, "economics has become a highly specialized profession that repels those who question its authority." But in Bryan's day, the professionalization of economic thought had just begun. Producerist tradition sustained a popular distrust of abstractions in economic life, based on the insistence that wealth be embodied in tangible entities: crops, coal, gold, silver. Advocates of free silver were articulating the need for a more flexible money supply—a reasonable enough goal, even if the rhetoric surrounding it was shrill and conspiracy-ridden.

But the election of 1896 was about far more than the money question. It was "the first time in my life and in the life of a generation," the Progressive journalist William Allen White wrote, "in which any man large enough to lead a national party had boldly and unashamedly made his cause that of the poor and the oppressed." No presidential candidate until Franklin Roosevelt received so much mail (and so many gifts) from admirers: Catholics and Jews who felt the need to identify themselves as such; Protestants who took their identification for granted and hailed Bryan as "the saviour of our nation."

For Bryan, the choice between him and the Republican William McKinley was a choice between "two ideas of government"—prosperity from the top down or from the bottom up. He insisted on the protection of a common public interest from rapacious private interests, proposing the regulation of business and other policy innovations in homely metaphors. En route to a campaign stop in Iowa, he saw some hogs tearing up a farmer's field and remembered that one of his jobs as a boy had been to keep the swine tethered to protect the family land. "And then it occurred to me that one of the most important duties of government is to put rings in the noses of hogs," he said. "We submit to restraint on ourselves in order that others may be restrained from injuring us."

But the hogs were not ready to be reined in. While Bryan roared about the country trying to sell himself, McKinley campaigned from his front porch in Ohio, letting his handler Mark Hanna sell him "as if he were a patent medicine" (in Theodore Roosevelt's words). In what has become a familiar Republican tactic, the McKinley campaign distributed thousands of American flags and flag buttons, implying that their opponents were somehow less than patriotic. And along with the wiles of Hanna, Bryan confronted more serious problems. Agrarian radicalism did not always translate well into industrial settings. Free silver meant little to urban workers, and the tariff was their friend. Bryan's camp-meeting style alienated German-American voters, who helped put Illinois and Indiana in the Republican column, along with the upper Midwest, the entire Northeast, and the West Coast. Bryan took the Great Plains and the South, and this was not nearly enough. Despite their defeat, though, the Democrats had departed decisively from their laissez-faire past. Bryan was at the center of this transformation.

Within a few years after the campaign of 1896, the money question faded. Free silver lost resonance as corn, wheat, and cotton brought higher prices on commodities markets and farm debt fell. The discovery of gold in Alaska relieved pressure on the money supply, and a Republican Congress re-affirmed its commitment to the gold standard. The emerging class issue was fear of the trusts—the unprecedented and largely unconstrained economic power concentrated in monopolistic corporations. Manipulation of the money supply seemed a paltry weapon against these behemoths, and radicals grew impatient with Populist panaceas. In certain circles, murmurings about public ownership began to be heard. By 1900, the Democratic left had lost ideological coherence. Again nominated for president, Bryan spoke for scattered and disgruntled factions, quarreling among themselves with little common purpose.

IV.

THE ONE THREAD THAT PULLED them together was opposition to imperialist foreign policy. Bryan had long suspected militarism as an "unchristian tool of the upper classes," but he had a weakness for moral crusades. So he put himself at McKinley's disposal in 1898, when the president proclaimed his intent to free Cuba from Spanish domination. Bryan enlisted in the Nebraska National Guard, raised his own regiment, and sat out the Spanish-American War far from combat. (McKinley made sure of that.) But when war ended in the Caribbean, it continued in the Philippines, which American advocates of empire had decided to annex—overlooking the awkward fact that the Filipinos were as committed to fighting for their independence against the Americans as they had been against the Spanish. Annexation required ten years of armed struggle against Filipino men, women, and children who were determined to resist "the blessings of liberty and civilization" that the Republican Party platform pledged to bring them.

Like William James, Mark Twain, and other thoughtful Americans, Bryan was appalled by this betrayal of the principles that had supposedly led the United States into war with Spain in the first place. Unlike Theodore Roosevelt, he knew the difference between a republic and an empire. "The fruits of imperial-

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ism, be they bitter or sweet, must be left to the subjects of a monarchy," he said in 1899. "This is one tree of which the citizens of a republic may not partake. It is the voice of the serpent, not the voice of God, that bids us eat." McKinley, he charged, was "trying to convert the Filipinos by killing them." Accepting the nomination in 1900, Bryan merged Jesus and Jefferson in his critique of imperialism. How did the imperialists' claims of concern for the Filipinos differ from those of the British for the American colonists in 1776? How could the acquisition of empire not require the establishment of a standing army that would encourage more "wars of conquest"? William James, for one, was profoundly impressed with Bryan's stand. "I have so fallen in love with him for his character," he told a correspondent, "that I am willing to forget his following."

But James was not a typical American. A majority of his countrymen were unmoved by Bryan's appeal to republican tradition. A part of the problem was that Bryan had to compete with the antics of Roosevelt, McKinley's rough-riding running mate and the hero of the tactically dubious charge up San Juan Hill. Roosevelt despised Bryan as a "small man" unwilling to take up the burdens of national greatness. "A man goes out to do a man's work, to confront the difficulties and overcome them, and to train up his children to do likewise," he announced. "So it is with the Nation." The portentous vacancy of this formula, its utter lack of evidence or argument, and its fundamental confusion of individual and national courage—all these qualities were characteristic of Roosevelt's imperial rhetoric, and none proved a barrier to his popularity. McKinley won easily, and Roosevelt ascended to the presidency when McKinley was assassinated in 1901.

Bryan never called a retreat. He created *The Commoner* as a vehicle for developing his vision of social democracy, which gradually merged with the widening Progressive mainstream. By the time he and Mary returned from a world tour in 1906, the public had caught Progressive fever, fed by such muckraking journalists as Ida Tarbell, who revealed the corruption of entire legislatures by Standard Oil, and David Graham Phillips, who exposed "the treason of the Senate" in the service of big business. Bryan saw another opportunity. He bundled an attractive package of Progressive reforms, sidled up to urban labor, and won the nomination. His party's platform thundered against money but otherwise differed little from the Republicans', except for advocating a federal mandate that national banks insure deposits. Bryan's opponent William Howard Taft, speaking for the embryonic regulatory state that began to emerge under Roosevelt, identified the source of the Democrats' timidity as their small-government tradition. He observed that the Democrats could neither punish the rich nor help the poor as long as so many of them still wanted "to reduce the government to a mere town meeting." Temporary heir apparent to the popular Roosevelt, Taft defeated Bryan easily. His victory brought a benign standpatter to the White House—a president who would be brought down by the spreading, bipartisan Progressive insurgency.

THE DEMOCRATS BEGAN TO position themselves. Within the next few years, some party leaders—including Bryan—moved a little further away from their Jeffersonian past. In the spring of 1909, Bryan came out for Prohibition, departing from Democratic libertarianism. After his defeat the year before, he was free at last, he claimed, to express his hostility to the Liquor Trust. Cynics suspected another run, but the man to watch turned out to be Woodrow Wilson. He had at first disdained Bryan, warming to him only after becoming governor of New Jersey and a presidential aspirant. The men circled each other warily until the convention of 1912. Bryan by that time was no longer young. "The firm strong features that made him so handsome sixteen years ago have hardened and grown coarse," a reporter noticed. "His neck is thick and his jaw has an iron rigidity." Age and self-righteousness had taken their toll. But Bryan was poised to play a kingmaker's part. The key issue for him was Wall Street: for Bryan, Wilson seemed more likely than his chief opponent, Champ Clark of Missouri, to defend ordinary people against the white-shoe investment bankers and their "Money Trust." So he decided to switch his support to Wilson at a crucial moment, ensuring Wilson's nomination.

That sort of deed can hardly go unrewarded, at least not by a successful presidential candidate. Wilson appointed Bryan secretary of state. This was not as crass a political move as it may have seemed. Bryan was by no means as provincial as his detractors assumed: he had traveled widely, observing the operations of empire in India and Malaysia and the modernization of tradition in Japan; he had informally adopted a Japanese "son." More important, he and Wilson shared certain sensibilities. Both were Presbyterians with a fondness for the messianic gesture; both abhorred the pro-business priorities of "dollar diplomacy." Wilson was sterner, Bryan sunnier, but both men were given to grandiose visions of America's role in the world—even as they tried to define that role in language outside the familiar idioms of military adventure and imperial power. As early as 1900, Bryan had envisioned the United States as "the supreme moral factor in the world's progress and the accepted arbiter of the world's disputes—a republic whose history, like the path of the just, 'is as the shining light that shineth more and more unto the perfect day.'" A City on a Hill that would lead by example rather than try to force its ways on the rest of the world: this was Bryan's alternative to the imperial vision.

Implementing such a perfectionist agenda would be a tricky business, but Bryan was not bereft of ideas. By the time Wilson asked him to serve as secretary of state, Bryan had conceived an ambitious plan to reduce the likelihood of American involvement in war. He proposed that the United States sign a series of bilateral treaties in which each signatory would agree to submit any quarrel to an investigative tribunal and begin no conflict for a year afterward. One of the conditions of his accepting the appointment was that Wilson allow him to pursue this plan. (The other was that there be no liquor served at his and Mary's table on state occasions.) Wilson agreed, and Bryan entered the period that marked the decisive downturn in his career.

V.

BRYAN'S UNHAPPY TENURE AT State was characterized by blundering interventions in Latin America that violated his own reluctance to use force except as a last resort, and by the coming of World War I—a cataclysm, as Kazin points out, that made Bryan's beloved bilateral treaties seem "irrelevant or even ridicu-

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lous." From the outset, Wilson's Latin American foreign policy was more than half Bryanite. Both men rejected any desire to take colonies or seek material plunder; both wanted to guide Latin America to a peaceful democratic future. This "imperialism of idealism" created disaster at every turn. Intoxicated by their own good intentions, Wilson and Bryan "had little patience with the messy details of local politics or cultural distinctions," Kazin succinctly observes. "In their clumsy efforts to heal a sinful world, they shaped a mold for future disasters."

Moralism always seemed to bring militarism in its wake. As a Haitian journalist observed after the United States established a military regime there in 1915, supposedly to protect Haitians from exploitation and Americans from expropriation, "The Americans are enemies of despotism, and to prevent its return, they invaded the country." Naïveté could be as destructive as *realpolitik*. In the fall of 1913, Bryan was fooled by James Sullivan, the American ambassador to Santo Domingo, who was heavily involved in its biggest bank. Sullivan persuaded Bryan (and through him Wilson) to back the Dominican president, José Bordas Valdez, who was trying to extend his term beyond its one-year limit. Bryan in turn cajoled Wilson into sending U.S. naval vessels to Santo Domingo harbor "for moral effect." For the rest of his time in office, Bryan lurched from one Dominican leader to another, each of whom kept promising to hold free elections. After Bryan's departure, Wilson sent in the Marines to run the country as a military police state, which they did for twenty years. In Mexico, Bryan and Wilson aimed to protect American investments while using a combination of diplomacy and force to make agrarian rebels behave like good American Progressives; the consequences of this policy included botched invasions and needlessly lost lives, as well as lingering Latin distrust of the pious bully to the north.

BUT IF WILSON AND BRYAN bungled together in Latin America, when it came to World War I they pulled quickly apart. Like most Anglo-Americans, Wilson was instinctively pro-British—as was the established press, which derived most of its news from British sources and depicted the Germans as marauding savages. Bryan's insistent neutrality isolated him from the rest of the Wilson administration. The central issue involved German submarine warfare against civilian belligerent vessels, which the Germans charged were carrying ammunition and other war materiel to their enemies. The problem was that these same ships were also carrying civilian passengers, including some from the officially neutral United States. When a German U-boat sank the British liner *Lusitania* in May 1915, 128 Americans were among the 1,195 people who perished. Bryan wondered if the ship had been carrying munitions, and in fact later investigation revealed that six million rounds of ammunition in the ship's hold had increased the death toll dramatically. But at the time of the sinking, American policymakers were in no mood for anti-British muckraking. Bryan wanted to warn Americans against riding belligerent vessels; Wilson thought the idea "weak and futile," and insisted on a harsh note demanding that the Germans ensure the safety of neutrals or abandon submarine warfare altogether.

Bryan resigned soon afterward, believing that his efforts to promote a moderate course had failed. As Kazin observes, he might have stayed on as a salutary irritant, focusing his energy on matters more "practical" diplomats shunted aside—the Armenian genocide, for example, which Bryan's successor Robert Lansing refused to protest publicly. Instead Bryan left public office, and in subsequent decades became a symbol of sentimental naïveté in foreign policy.

The judgment is unfair. It is true that Bryan embodied the survival of "feminized" Victorian sentiment amid a public discourse increasingly infatuated with manly vigor and "tough-minded realism." Yet the war and its aftermath made boasts of realism ring hollow. Bryan's wariness about intervention was well grounded, certainly more so than Wilson's belief that if he entered the war he could bend the European powers to his will and achieve a "Peace Without Victory." Wilson's concept of a League of Nations was noble and necessary; it confronted the need for the abridgment of national sovereignty that any such organization must be able to enforce if it is to be more than a debating society. But Bryan correctly saw that for Wilson's vision to have any hope of fulfillment, he would have to allow the Senate to ratify the Versailles Treaty with reservations. This Wilson refused to do. Bryan proved more prescient and realistic than many men who dismissed him as an impractical dreamer.

AFTER HIS DEPARTURE FROM the State Department, Bryan turned his attention to Prohibition and women's suffrage—two moral reform movements that were hurtling toward fulfillment. Bryan viewed them as complementary: women were among the main supporters of Prohibition, and their influence would be as regenerative for the body politic as the abolition of alcohol. These dreams of national redemption marked him as a man whose time was passing. The Progressive coalition was splitting apart just as its fondest hopes were about to be realized. This became apparent in the winter of 1916, when Bryan took a boat trip through the swamps of northern Florida, where he was interviewed between stump speeches by the bohemian journalist John Reed. While the locals roared their approval of Bryan at every stop, Reed simply could not take him seriously—any more seriously than he could take the YMCA, the Chautauqua circuit, or the whole apparatus of Protestant uplift. The surreal scene evoked an American left on the cusp of transformation, poised between *The Commoner* and *The Masses*, between righteousness and skeptical satire. The heartland left was losing legitimacy.

And for good reason, many liberals would say. Certainly the closing years of Bryan's career revealed the looming narrowness of his creed. Even while he embraced a Social Gospel version of the strong liberal state—demanding federal financing of political campaigns and the enforcement of anti-prostitution laws against male clients as well as female purveyors—he also re-affirmed the racism

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and the anti-intellectualism that pervaded much of his constituency. He endorsed segregation and suffrage restrictions in states with large black populations, and he embarked on his quixotic crusade against Darwinism. He had always been a pragmatic Christian moralist, never a devotee of dogma. But when a clever skeptic pressed him on theological matters, as Clarence Darrow did at the Scopes Trial, Bryan could be made to appear ridiculous. Darrow got the last word in the trial by instructing the jury to bring in a guilty verdict against his client, after Bryan's embarrassing testimony had been stricken from the record. So Bryan never had a chance to redeem himself by delivering his closing statement—a cogent critique of social Darwinism, focusing on the misuse of science as a weapon against the weak.

Bryan died in his sleep a few days after the verdict, but the statement was soon published, and it made a powerful epitaph. The man's ideas outlived his outwardly unsuccessful life. Bryan's funeral train, en route from Tennessee to Washington, was flanked by mourning plain folk. But the smart set met his passing with howls of derision. Mencken wrote a famous character assassination disguised as an obituary. In many ways one can understand the sentiments of the sophisticated. By the 1920s, Bryan's rhetoric had been outmoded by microphones and changing tastes; his sunny Victorian optimism had come to seem vapid and evasive; his zeal for Prohibition epitomized everything prying and prudish about the Protestant village culture that many sensitive Americans were fleeing.

Some of what Bryan stood for has no place in a pluralistic society, but most of it does. In these grim times, when Christianity has merged with success-worship and super-patriotism, when the very word "Christian" has been captured by operatives and cranks, Bryan's public life is worth pondering. Kazin has removed Bryan from the cross of secularist scorn and resurrected his chief significance—his melding of Christianity, anti-imperialism, and social democracy. He may not exactly be a prophet for our times, but his career sparks speculation. He allows us to re-imagine the role of Christianity in politics. The life of William Jennings Bryan suggests that it is possible to conceive a candidate who actually takes Christianity seriously, as something more than a source of self-satisfaction, who finds the waste of war appalling and the persistence of poverty outrageous—someone who actually believes, against all the odds, that the meek should have a shot at inheriting the earth. ■

Gadi Taub

The Facts on the Ground

THE ACCIDENTAL EMPIRE: ISRAEL AND THE BIRTH OF THE SETTLEMENTS, 1967–1977
By Gershom Gorenberg
(Henry Holt, 454 pp., $30)

"THE SETTLERS HAVE NO human rights," complained Rabbi Yoel Bin-Nun in *Ha'aretz* a few months before the Israeli withdrawal from Gaza. Prime Minister Ariel Sharon was about to expel Jewish settlers from their homes, and all the defenders of democratic values, the rabbi bitterly protested, were indifferent. This proves, he said, that "there is only one sector in Israel to which human rights don't apply, and that's the settlers."

With his biblical prophet's beard and visionary's gaze, Bin-Nun is a longtime veteran of the religious settlement movement. And though he has often been controversial among his peers—after Yitzhak Rabin's assassination he threatened to reveal the names of rabbis who had indirectly encouraged violence against Rabin—this time he was not alone. The campaign that the settlers waged against the Gaza disengagement was full of denunciations of the plan as a subversion of democracy and its values. Sharon was making a mockery of democratic procedure, they thundered, in defying not just his party's platform but also the referendum that it held among members, in which the plan was rejected. There was no choice, some leaders of the settlers' movement concluded, but to follow the example of Martin Luther King Jr. and Mahatma Gandhi and resist, by means of civil disobedience, the attempt of the government to run roughshod over their civil rights.

This was a rather surprising argument to hear from the ideological enthusiasts for Israel's occupation, and it struck many Israelis as tactical and cynical. The attempt to ground an occupation in human rights is something of a stretch. But in fact Bin-Nun, and many of the settlers, were far from cynical. Behind their sudden outburst of democratic passion there was a deep sense of betrayal, and a genuine bewilderment. Given the origins of religious settlement, and the inner logic of its long struggle, this latest stand may be less surprising than it seems. And now, when it looks as if Israel's occupation may be drawing to a close sooner rather than later, is a good time to reflect on its beginning.

THIS IS WHAT GERSHOM GORENBERG's book sets out to do. It deals with a neatly demarcated period of ten years, almost to the month, all of it under Labor Party rule: from the Six Day War in 1967, when Israel acquired the territories, to the fall of Labor in 1977. This was a truly decisive period: by the time Menachem Begin and the Likud took power, settlements were already planted in the Golan Heights, Judea and Samaria (the West Bank), the Gaza Strip, and the Sinai Peninsula. Gorenberg's central argument is that the settlement of the occupied territories was a collaborative effort: the work of an old ruling party and a new religious movement.

At first, in the great euphoria that followed the victory in 1967, amid the astonishing relief from the long sense of siege, the two partners scarcely noticed their differences. Both saw the Western Wall, the magnificent deserts of Judea and Sinai, and the ancient sites of biblical Samaria through teary, myth-struck eyes. The aging party, nostalgic for its vigorous youth, looked favorably on the younger religious movement, pioneering the new frontiers as Labor itself had pioneered

Gadi Taub teaches in the Department of Communications and the School for Public Policy at the Hebrew University of Jerusalem. He is the author of A DISPIRITED REBELLION: ESSAYS ON CONTEMPORARY ISRAELI CULTURE.

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the old ones under Turkish and then British rule. To be sure, there were significant differences. Concerned about international pressure against annexation, Labor's plans for settlement were more careful and hesitant, and they sometimes clashed with the messianic impatience of the younger religious movement. And the messianic impatience in those giddy days was indeed great.

The theological origins of the settlers' eschatological passion were to be found in the thought of Rabbi Avraham Yitzhak Hacohen Kook, who was a kind of Orthodox Jewish Hegelian. Orthodoxy had mostly viewed Zionism as a violation of God's punishment: God sent his children to exile, and they were not to return before the messiah called upon them to do so. But Kook saw secular Zionism and its Orthodox adversaries as the unexpected elements of a larger synthesis that lay in the future. And Kook's son, Rabbi Tzvi Yehudah Hacohen Kook, with whom many of the early settler activists studied, thought that the future envisioned by his father had arrived. The "miracle" of the lightning victory of 1967 was proof of it, and an unveiling of its course: it would proceed through the "redemption" of the land. In Kook the son's teaching, settlement was "heaven's politics," and no earthly politics could ever stand against it.

NO WONDER, THEN, THAT LABOR was no match for the movement's zeal. Labor, in Gorenberg's account, was both sluggish and divided. It failed to answer the basic question that Lyndon Johnson had posed to Prime Minister Levi Eshkol after the war: what kind of Israel do you want? Eshkol thought that it was too early to tell. For the time being, the Arabs were not willing to negotiate, and so Israel could stay put. But his party could not even make up its mind about what staying put meant. It had a weak dovish faction, which opposed settlement but waged no effective battle against a policy that was never openly and clearly articulated. And there was a stronger hawkish faction, itself torn between two competing conceptions. One, later dubbed the Jordanian Option and first advanced by Yigal Allon, the hero of the War of Independence, favored settling the Jordan Valley; the idea was to surround the densely populated Arab mountain ridge, and later connect it through a land corridor to Jordan. The other, advanced by Moshe Dayan, the hero of the Six Day War, was virtually the opposite. Dayan favored what Gorenberg calls an "invisible occupation": settling the mountain ridge so as to prevent territorial concessions, and dealing with the Arab population—no official dared call them Palestinians in those days—by a combination of formal Jordanian citizenship and de facto Israeli colonial rule. Economic integration was central to Dayan's plan; he imagined a benevolent and pragmatic colonialism, which first and foremost meant a steady improvement in material conditions.

Given this competition within Labor, religious settlers eager to settle the whole of the territories could maneuver between the two plans, as well as manipulate a divided cabinet; and the three together—religious messianism, the Allon plan, and the Dayan plan—produced a haphazard dotting of the territories. Disagreements among the three, and between them and doves of all shades, mattered little, in Gorenberg's telling. Israel felt invincible after the Six Day War, and everyone could get along under the same triumphalist umbrella.

The first settlement in the West Bank was a stark demonstration of this: it resurrected Gush Etzion, and could be understood as a "return home" in more than one sense. Close to the cease-fire line of 1949 (known as the Green Line), the place was previously populated by Jews and lost to Jordan in 1948. It was also part of the biblical Land of Israel. Hanan Porat, the "first settler," who initiated the return to Gush Etzion shortly after the Six Day War, was literally returning home: he had been evacuated from the place in the War of Independence. He was a small child then, but a paratrooper in this recent war, and also a student of Kook. Labor performed a role too, in the good old-fashioned pre-state way: it played hide-and-seek with the superpowers. To avoid international pressure against annexation, Eshkol announced that Gush Etzion was to be a military outpost, which, unlike a civil settlement, is legal under international law.

Not all later settlements were so well tailored to suit so many people's different aspirations. But in the first six years of settlement, confusion, high spirits, short-sightedness, and nostalgia made friction between the Israeli factions manageable. Then came the surprise attack of the Yom Kippur War, and the great euphoria was abruptly shattered. Gorenberg's chapter about those dark days is particularly strong in conveying the shock. Underprepared and overconfident, Israel barely managed, with emergency American assistance, to stem the tide of enemy forces. In the grim mood after the war, under a tottering Labor government, religious settlers re-doubled their efforts at awakening the country from its paralysis. Settlement was helped again by internal divisions in the severely weakened Labor government: Prime Minister Rabin, who resisted expansion into densely populated Samaria, was undermined by his own minister of defense, Shimon Peres, who did more than turn a blind eye to illegal settlement. He helped it creep in by establishing what became known as "facts on the ground." The settlers slowly but steadily gained more ground, and then, in 1977, Labor fell.

WRITTEN ON THE BORDER between history, journalism, and literature, Gorenberg's book itself stays close to the ground: it provides personal points of view, biographies, anecdotes, reconstructed dialogues, and a great deal of speculation about his characters' psychological makeup. This makes the narrative somewhat difficult to follow if one is not already well acquainted with the terrain. But the book does have a thesis, not quite argued for but implied throughout. It is that Zionism and the religious settlers' movement are two variations on the same theme, which is "romantic nationalism."

Nationalism is Gorenberg's central category, and it includes Labor Zionism, Zionist Socialism, Palestinian terrorism, religious settlers, Begin's Likud, Hamas, and much else. This makes it a blunt instrument of political analysis, but it helps the thesis hold together. At bottom Gorenberg more or less accepts the religious settlers' notion of history, which was designed to persuade Israelis that the occupation is a direct continuation of mainstream political Zionism. This notion has also been adopted in recent years by post-Zionist historians, though for the opposite purposes: the settlers equate Zionism and occupation to legitimate their hold on the territories, while the post-Zionists do the same to delegitimate Zionism as a whole. Gorenberg's book is a soft version of the latter. Rather than a frontal attack on Zionism as a creed, the culprit that gradually emerges from his narrative seems to be

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"nationalism," and both Labor Zionism and religious messianism are implicated in its sins.

As with the settlers and the post-Zionists, much of the argument about the continuity of the early Labor pioneers and the later religious pioneers rests on an underestimation of ideology and an overestimation of "ethos" and practice. Large portions of Gorenberg's book deal with the details of settlement activity and with the romance of the land. The settlers' theology of redemption is laid out in a scattershot way and under the fuzzy heading of religious nationalism; but secular Zionism never receives a sustained treatment. Its dominant representative in the book is Yitzhak Tabenkin, the old sage of the Kibbutz Hameuhad movement. Tabenkin is useful for Gorenberg because as a leader of the kibbutz movement he was a true son of Labor Zionism—but he was also an enthusiast for Greater Israel. The implication is clear: Labor Zionism is nationalism in the same way that the settlement movement is nationalism.

As Gorenberg's narrative progresses, however, one wonders about the disproportional stress on Tabenkin, and about the almost complete disappearance of other central figures in Labor Zionism who were critical of the occupation, and therefore less useful to Gorenberg's facile equation; and most of all one wonders about the absence of David Ben-Gurion. He, too, was highly critical of the occupation. Ben-Gurion is far too central simply to ignore, so Gorenberg does mention his views: he explains that the poet Nathan Alterman "changed his view, criticizing Ben-Gurion's declared willingness to give up the West Bank." This is an odd way to discuss a figure of Ben-Gurion's magnitude; he was surely more than a footnote to a poet.

Gorenberg seems to sense this, and so he adds that in supporting Greater Israel "Alterman was also following Ben-Gurion's lead: The founding father was known for asserting that the Bible was the Jewish deed to the Land of Israel"; but this is sloppy and a little mischievous. It is hard to say to whom exactly Ben-Gurion asserted this, but he was unquestionably the author of Israel's Declaration of Independence, in which he stubbornly resisted, despite pressures and ultimatums by religious Zionists, any mention of God or his biblical covenant. What the Declaration does spell out are the foundations of secular Zionism, from Herzl on, and had Gorenberg attended to them he would have discovered that Ben-Gurion's opposition to the occupation was grounded in the very essence of Zionism.

The anecdotal style of Gorenberg's book, together with his failure to consider other historical interpretations, gives the reader little clue of the extent to which the book is ideologically driven in advancing its thesis. But anyone familiar with Israel's history will easily detect its principles of historical selection. Critics of the occupation are marginalized or not mentioned at all, and their arguments are off-handedly presented. Carefully limiting the focus to "settlement," the book downplays the fact that the controversy was not just about settlement, but more largely about occupation. And Gorenberg's decision to confine his account to the decade between 1967 and 1977 obscures the fact that the real political story, the massive settlement of the territories, began in earnest only in 1977. Likud almost tripled the number of settlers in the West Bank and Gaza in its first four years. There were some six thousand Israelis in the territories when Labor fell. By the time of the withdrawal from Gaza almost thirty years later, they numbered a quarter of a million.

Gorenberg is certainly right to point out that Labor was implicated in the origins of settlement. But contrary to his insinuations, it was not because Labor was so tenaciously Zionist. Quite the contrary. It was because Labor was not tenaciously Zionist enough: it departed from its own creed and allowed the occupation to creep in. Reducing Zionism to a vague "nationalist" sentiment makes Israel's later politics almost incomprehensible: why, if religious-settler nationalism and secular nationalism are such close fellows, did the controversy that tore Israel apart ever erupt?

The history of the settlers' movement is, to a great extent, the story of its attempts to deny, exactly as Gorenberg does, the divergence between secular Zionism and religious redemption, between the early pioneers and the later pseudo-pioneers. At first the problem did not seem that pressing. In the initial burst of messianic enthusiasm generated by Tzvi Yehudah Hacohen Kook's teachings and the "miracle" of the 1967 victory, it was abundantly clear to settlers that a great religious revival of the entire Jewish people was just around the corner. So early friction with the government was a temporary matter, soon to be resolved. Settlement would move ahead, and the rest of the country would follow.

In that mood, in April 1968, a group of settlers led by Rabbi Moshe Levinger came to settle Hebron. Armed with a temporary permit from the military governor of the territories that allowed them to celebrate the Passover seder in town, they rented rooms in a local hotel. When the holiday was over, they just stayed on. The military was baffled, and the cabinet was split. Dayan, then defense minister, arranged for a compromise that allowed the settlers to stay in the military governor's building until a permanent solution was found, and Allon later found it. He pushed through a government decision to construct a Jewish neighborhood near the old city.

But shared goals on a local scale were not the same as a great national reconciliation in the cause of a people's redemption, which still failed to materialize. As time wore on, cracks and differences became apparent. They became glaring after the Yom Kippur War. The harsh new facts set new limits on Israeli policy. There was a high price to pay for hubris, and this weighed heavily on Golda Meir's and then on Rabin's government.

For the settlers, though, the cure was not political sobriety, but a more intense campaign for religious awakening. They founded an extra-parliamentary political movement called Gush Emunim, or the Bloc of the Faithful, and set out to teach Israelis to trust in God and His providence. But most Israelis were in no mood for it, and what previously seemed like minor disagreements turned in the mid-1970s into a series of confrontations over the hills of Samaria. A growing number of Israelis watched with alarm as the Israeli army had to use force to evacuate settlers. The nation became very familiar with a verse from the eighth chapter of Isaiah, a religious chant that was transformed into a slogan of religious settlement: "Hatch a plot, it shall be foiled; agree on action, it shall not proceed; for God is with us!"

As clashes escalated, the settlers found it increasingly necessary to explain that Zionism, and not just God, was on

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their side, and that it was Labor that had departed from the old standard. Emphasizing the means and ignoring the ends, as Gorenberg does, they began insisting more vocally on the Zionist continuity of their project. Wasn't Zionism always about returning to Zion? Wasn't it always about redeeming the land by settling it?

But Labor knew that secular Zionism, classical Zionism, was not about redeeming land, it was about redeeming people. Zionism, as the Declaration of Independence asserted, rested on the right of Jews, "like all peoples," to self-determination. And therefore its democratic state could not be permitted to turn into a permanent colonial enterprise without undermining its own foundations. Only two months after the 1967 war, Amos Oz wrote an essay in the Labor Party's newspaper, *Davar*—an essay that Gorenberg discusses without clarifying its argument—in which he defined the line over which Israel's electorate would later split: if Zionism is about the liberation of people, it would eventually have to abandon the territories. If it is about redeeming land, it will end up enslaving people. But such considerations did not trouble the settlers, because settlement, as Rabbi Shlomo Aviner explained, stood above "human-moral considerations." It was, as Rabbi Kook the son had taught, the politics of heaven.

YET EARTHLY POLITICS OFTEN frustrated it, and the continuity argument had to abandon Labor in favor of Likud in order to keep blurring the difference between redemption and Zionism. If Labor was no longer "Zionist" enough, the hawkish Likud (the one party for which the term "romantic nationalism" in the European sense properly applies) would carry the torch instead. Settlement on the occupied land and Zionism could once again look alike under the auspices of a hawkish national security argument. There was good reason for the settlers to rejoice when Begin was elected, and Begin himself made a point of giving his first speech after election day in a settlement.

And yet, despite the honeymoon with Likud, the scene was set for a clash early on. Begin, who made Zionism and redemption sound so much alike, began negotiating a peace deal with Egypt based on the principle of land for peace. Gush Emunim experienced his diplomacy as the split with Labor all over again.

The Lobster

The two five-foot-long lobster tanks fitted into the ten-foot-
long window of the Lobster Farm wholesale seafood store
on the corner of Allen and Hester could be the front and rear
windshields of the wood-paneled station wagon of my childhood

plunged into the East River or two industrial-sized casserole
dishes gurgling with two harmless summer-green evening
thunderstorms—no matter how hard I try some things will
never stay only what they are, will always be more, or less,

or other than, even when they're only glass and water and
lobsters, forty or fifty of them split between the two tanks
and piled on top of each other like linebackers, helmets in
lockers, hills of jockstraps, good-sized, like forty or fifty good-

sized human hearts gathered together for an office cocktail
party or a fieldtrip to the Shedd Aquarium, the way a heart
would look if left unbothered its entire life, exotic, fully
intact, only the faintest bruise from occasionally bumping

into the sturdy bookcase of the ribcage, no one's fault but
its own, unashamed, only the faintest blush, not yet the berserk
red of the all-you-can-eat new year's eve surf-n-turf special,
not yet, and not, in fact, hearts, or faintly romantic, and not exotic,

or unafraid, not from my angle week after week looking in and
up from the sidewalk, the alien fleet of armored cars continually
being replenished but always the same sewer-green bodies,
their rubber-banded claws hugging and pushing each other

to opposite walls in a perpetual deep-sea demolition derby
staged to distract themselves from the hand that periodically
dips in and out of the tanks, the what nows, the then whats,
and at last the last oh nos and for the past month at the back

of the left hand tank a single lobster twice as large as the others
sprawled like a sunken ocean liner, an underwater king captured
with the palace staff when his kingdom was ransacked, motionless,
a wax museum attraction collecting maritime dust along his thorax,

and I can only imagine what he's thinking if he's thinking, if he's
dreaming of sea-star breakfasts, careless Saturday mornings spent
amongst the anchors and kelp, if he knows why he's here, why he's
still here, if he—like myself those last seven bleak months with you

when everything just barely hung together before it completely fell
apart—has fooled himself into thinking that things could be worse,
that things could get better, that somehow the thing he's being saved from
won't turn out to be the very thing he's being saved for.

NOAH MICHELSON

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The Faithful retorted with a "Master Plan for Settling Judea and Samaria." The first clause of the plan opens with a declaration that settling is a *mitzvah*, a religious commandment. Then it explains the means for making the state fulfill its religious obligation: the very means of traditional Zionism, namely creating facts on the ground. While Begin was still at Camp David, having signed the accord with Sadat, the settlers created another fact on the ground, an ad hoc settlement near Nablus, the biblical Shechem, in the heart of an area densely populated with Palestinians. And under Begin, the army evacuated them.

Begin tried to heal the rift. He would follow through on the peace accord, but he would also find a place near Shechem that would satisfy the settlers. Such a place was found on privately owned Arab land, a fact which at first did not seem to matter much. Israel had already confiscated private land in the territories for the purpose of settlement, and the Supreme Court upheld this practice, so long as the state insisted that it was a requirement of security. But this time things got complicated. The state failed to make a convincing case for its security concern, and one of the settlers, Menachem Felix, submitted a brief to the court, dismissing the whole case the state made on his behalf. This was not a matter of security, Felix said, it was a matter of the Jewish right to settle the land, as God had promised. He based his case on quotations from the Bible. The court was exceedingly polite. It was deeply impressed, it said, with the sincerity of the settlers' religious beliefs, but as an institution of the sovereign state, "in which *halakha* [Jewish religious law] takes effect only to the extent which the secular law permits, we are obliged to put the law of the state into action." The court ordered the settlement dismantled.

BEGIN WAS DEEPLY DISMAYED, but he announced that he would follow the court's decision. The settlers were more than dismayed. They were shocked. The state had refused to speak the language of redemption. At the margins, some settlers concluded they should stick to redemption over and against the state's resistance. The so-called Jewish Underground killed a number of Palestinian civilians until it was exposed and charged with a number of crimes in 1984. But the mainstream of the settlers concluded that if the state could not speak the language of redemption, redemption would have to learn to speak the secular language of the state.

The movement's political center of gravity shifted from Gush Emunim to a newly created body called the Yesha Council. ("Yesha" is the Hebrew acronym for Judea, Samaria, and Gaza.) The council's platform espoused the same political plan as Gush Emunim's master plan, with one important difference: it contained no religious terms whatever. The continuity argument was reduced to secular terminology, forcing the language of redemption underground. This tendency was reinforced by the fact that confidence in redemption would soon sustain another blow: despite Tzvi Yehudah Kook's promise that there would be "no backtracking" in the process of salvation, the Sinai Peninsula and its settlements were evacuated in 1982, a few weeks after the rabbi's death.

Yet there was a danger in narrowing the argument for settlement to security, and more thoughtful settlers, Yoel Bin-Nun among them, sensed it. Reducing the whole enterprise to its material aspect threatened to dispel its lofty spirit. Having concluded that settlement overrides ordinary moral considerations—in other words, that it justifies occupation—the settlers had to insist on the higher moral ground. The argument from security offered no such higher ground. Without a clear message of redemption, the enterprise of settlement would be no more spiritual than the spartan militarism of Yitzhak Shamir, Ariel Sharon, or Benjamin Netanyahu. And this was not how the settlers saw themselves.

But blending security arguments with messianic theology kept raising the specter of fanaticism and fundamentalism. First there was the Jewish Underground, which tried to stop the evacuation of Sinai; then there was the Hebron massacre in 1994, in which a settler named Baruch Goldstein murdered twenty-nine Muslims at prayer and wounded more than a hundred in an attempt to stop the Oslo process; and finally, in 1995, there was the Rabin assassination. The settlers were in a bind: speaking the language of hawks threatened to turn the settled land barren, while breathing the spirit of redemption into it meant new violence whenever the state departed from God's plan.

The overlapping of political Zionism and religious redemption—the common ground of national security interest—became a minefield. After the failure of the Camp David negotiations in 2000, and renewed Palestinian violence, and then the September 11 attacks in the United States, it was mostly the war on terrorism that promised to keep the settlers' security argument alive: settlement was portrayed as a form of resistance to terrorism. The common ground between religious Zionism and political Zionism was growing narrower.

AND THEN, ABRUPTLY, IN DECEMBER 2003, it disappeared. Just when it seemed as if the tide was turning against partition, because concessions were held to encourage terrorism, Ariel Sharon, the arch-hawk, the grand creator of "facts on the ground," announced that he would unilaterally move out of Gaza. Nobody pretended that the immorality of occupation had led Sharon to his startling reversal. What transformed the hawk into some sort of dove was his view of the nation's safety. Now the security argument was turned persuasively against settlement, against redemption.

Some rabbis called upon religious soldiers to disobey orders of evacuation. Others called for breaking all ties with secular Zionism. But most religious people did not want to go that far, and their only resort was the Supreme Court. They submitted a barrage of petitions on every ground except the ground of redemption, which they knew by then that the court would not accept. They said that giving up land betrayed the very essence of Zionism. The court threw that out. The essence of Zionism, it said, was a democratic Jewish state, and re-drawing borders in an attempt to preserve that essence is within the power of an elected government. The settlers contended that withdrawal from Gaza would reward terrorism and recklessly endanger Israel. The court threw that out, too. The government, it ruled, was a better authority on security than the settlers, and so the court had no business overruling both cabinet and parliament on that score.

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Finally there was nothing to which the settlers could appeal other than the doctrine of human rights, which has a quasi-constitutional status in Israel and can serve as a basis for judicial review. The only argument on behalf of settlement that might still make sense to the state was its higher law, in which Zionism was grounded originally: democracy and self-determination. Here was something the court would appreciate, and the settlers brought it enthusiastically. It was a dare: how will the state now deny the very considerations on the basis of which it had limited settlement all along?

The court took the challenge seriously. A flood of legal precedents was rained upon the settlers. The 320-page court decision recapitulated the entire history of the rift between the ideal of redemption and the ideal of sovereignty. Dryly formal, but also pedagogically precise, the court explained the lesson of history: time and again, it reminded the petitioners, the confiscation of Arab lands and the violation of Arab rights were justified on security grounds. So what was so new about the withdrawal from Gaza? The state was doing only what it did on behalf of settlers many times before: confiscating land and violating rights—but this time, the land and the rights belonged to the settlers. And it was doing this *to* the settlers for the very same reasons it had done this *for* the settlers: national interest, national security. The court's massive opinion came down to this: once you have agreed that democracy should yield to security, you cannot argue that security should yield to democracy. The withdrawal was legally upheld.

After Gaza, it was no longer possible to identify political Zionism with messianic settlement. But the old kind of religious confidence was long gone. It was replaced by confusion and outrage: from the settlers' point of view, the language of sovereignty to which they grudgingly submitted so as to preserve the project of redemption did not return the favor. It betrayed them. And it was guilty of more than violating human rights. It violated theology. Redemption had bowed its head to the state, and the state had hurled it to the ground. Hence the righteous anger at Sharon, at the court, at the state, and the attempt to argue that they did not play fair.

The settlers' insistence on democratic fairness was an admission of defeat. There was no longer anything else to which they could appeal. And so the withdrawal, despite all kinds of threats, ended in a whimper. No civil war, no mass conscientious objection, only many tears. Ideologically speaking, the struggle to square occupation with Zionism was over. One need only look to the political plans of Sharon's new party, in a document leaked to the press before Sharon's stroke, to see how clear this had become. The overarching goal of Zionism, the Kadima plan explains, was always a democratic Jewish state; and for this reason, it asserts, the withdrawal from Gaza was a fulfillment of Zionist principles, not a transgression against them. Israel must forsake territory if it is to hold together its democracy and its Jewish character, which cannot work without a Jewish majority.

It took forty long years for Zionism to re-assert its Declaration of Independence and return to its moral grounding in the "natural right" of self-determination. And finally, through the agency of the great patron of the settlements, it did. ■

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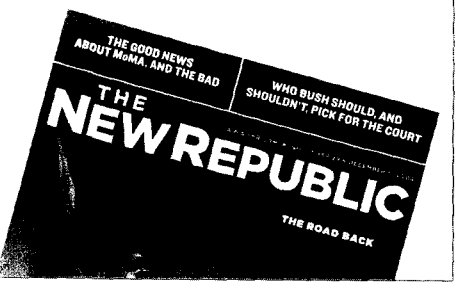

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JERUSALEM DIARIST

Ward of the State

ARIEL SHARON IS SPENDING Election Day as he has almost every day for the last three months—comatose in Hadassah Hospital. Sharon's two sons, Omri and Gilad, are at his side, trying to rouse him by playing his favorite classical music and Israeli songs. One floor below them, Sharon's fellow patients, some in wheelchairs, wait to enter a polling station. Some say they have left their sickbeds just to vote "for Sharon." This election, after all, is a projection of his will. Sharon destroyed the party of government he founded three decades ago, created its replacement, and determined the election's main issue—separation between Israelis and Palestinians—before disappearing down an empty corridor in the intensive care unit.

HADASSAH IS AN INGATHERING OF Israel's impossible diversity. There are Ethiopian soldiers speaking an immigrant Hebrew and teenage girls with pro-settler orange ribbons hanging from their knapsacks, Muslim women in white kerchiefs, and ultra-Orthodox Jewish women in black kerchiefs. And, yet, Hadassah is almost extraterritorial, a place where—even on Election Day—Israelis can try to forget their political and ethnic divisions and imagine a common, fragile humanity.

MOST OF THE PATIENTS WAITING TO VOTE in the hospital's polling station feel a sense of drift. After all, old parties have shattered and new ones haven't coalesced. And "peace" and "settlements"—the two words that together defined Israeli politics for decades—have been almost entirely absent from this campaign. A young woman supporting Kadima tells me this is the first time she isn't voting left; another young woman, a Likudnik, says this is the first time she's voting Labor.

DR. AVRAHAM RIVKIND, ONE OF SHARON'S physicians, heads the department of general surgery and the trauma unit to which many of the wounded from Jerusalem's suicide bombings are brought. "Sharon fought against terror his whole life," he says, "and I get the failures of the war against terror." Lanky and long-faced, he smiles at odd moments, even when talking about terrorist attacks, perhaps as a defense. Rivkind is revered at Hadassah for refusing to give up on the most hopeless patients, such as the soldier who was shot in the heart and pronounced dead on arrival and whom Rivkind revived.

RIVKIND IS A KADIMA SUPPORTER, though he rejects the party's two main platforms—the security fence and unilateral withdrawal. "Separation is nonsense. There's no such thing. You can't close yourself off hermetically. Someone will always find a way in. I want to keep trying to talk, even with Hamas. How? I would invite [Palestinian Prime Minister and Hamas leader Ismail] Haniyeh to the hospital. And I would start by showing him a 14-year-old Palestinian boy I operated on last week—and who was injured when a bomb he was working with blew up. I would ask Haniyeh, 'Look at this boy. Would you want your son to look like this?' And then I would show him the care this boy is getting here. They portray us as animals. So, come, I'll show you who we are. And I'll ask him, 'Isn't this a better way to live between us?' "

HADASSAH HOSPITAL IS PROBABLY THE most intense meeting place between Arabs and Jews in the Middle East. Here, Sharon's vision of separation, endorsed in one form or another by most Israeli parties, appears to be a fantasy. Probably several thousand Arabs—some of them Israeli citizens, others residents of East Jerusalem—pass through here every day. Jewish and Arab women share the same maternity wards. Across the courtyard from Rivkind's trauma center, a group of Palestinian doctors and nurses are taking a course in cancer treatment for children. And, in the children's cancer ward, a birthday party is being celebrated for four children—two Arabs, two Jews.

DR. AHMED EID, AN ARAB ISRAELI, heads the liver and kidney transplant unit. "No Jewish patient ever said he didn't want to be treated by an Arab," he says. There is, though, a problem with organ donations: Some Jewish and Arab donors insist on restricting their organs to their own people. Given the shortage, Eid accepts all donations and then tries to argue with the donors' families. "But there is no discrimination here. Medicine is different from real life. Here, it's a virtual atmosphere."

EID LIVES, IN EFFECT, A DOUBLE LIFE. At Hadassah, he is a respected doctor—a savior of Jewish lives. Outside, he is sometimes treated as a potential terrorist—a destroyer of Jewish lives. At Ben Gurion Airport, he is subjected to humiliating security checks, even when traveling as part of a Hadassah delegation. But the future, he believes, is Hadassah, not Ben Gurion. "In the end, there will be no separation wall. Look around you in this hospital—at all the Jews and all the Arabs. How can you have separation?"

OUTSIDE THE POLLING BOOTH, TWO young men await their turn to vote. David, a religious Jew, plans to vote for Baruch Marzel's party, the National Jewish Front—successor to Meir Kahane's Kach. "I don't care if Marzel has no chance of getting elected," he says. "This country is a wagon going over the cliff. No principles, no solidarity, no love. Sharon took thousands of people in Gaza—salt of the earth, the most productive farmers in the country—and threw them into the streets. They were protecting the country from terror attacks. And now rockets are falling on Ashkelon. You'll see: Soon we'll have Katyushas in Jerusalem. I say, put all of the Arabs from the West Bank into Gaza. You know what? Give them half the state, from Beersheva to Eilat, I don't care. Just let there be separation. The Arabs are going to win. Finished. It's just a matter of time."

MUHAMMAD DALASHA, A HADASSAH nursing student from the Galilee, sits beside David and stares into space, pretending not to listen. When David leaves, Muhammad says he's voting Kadima. "This party reflects who I am. I don't care for the Arab parties. I haven't gotten anything from them. They contribute nothing to Israeli society. If I could speak to Sharon, I would tell him about the difficult situation the country is in and how the government isn't the same without him. I would tell him that we're praying for him and hope he returns. My vote for Kadima is for Sharon."

YOSSI KLEIN HALEVI

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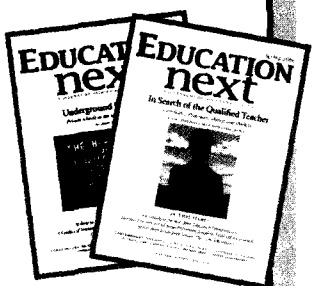

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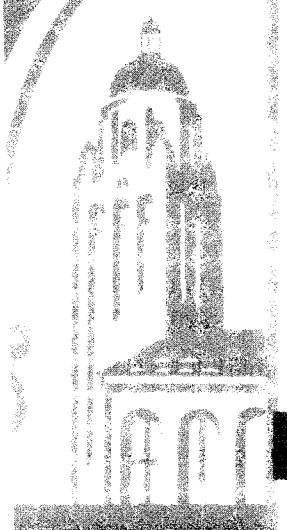

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In the new issue of *Education Next*

Florida's Program to End Social Promotion

Does retention help low-scoring third graders?

Holding children back in the same grade for an additional year has long been frowned on by schools, with a large body of research seemingly supporting the view that low-scoring retained students drop out at higher levels than low-scoring students who are not retained. However, eschewing old habits and old research, several large school systems, which between them enroll nearly 20 percent of the nation's third-grade students, have been steadily bucking convention and discouraging or even forbidding social promotion. Is this new approach effective? Findings from Florida suggest that the use of standardized testing policies to end social promotion can help low-performing students make modest improvements in reading and substantial improvements in math.

—Jay Greene and Marcus Winters

The Virtual Revolution

Understanding online schools

For better or worse, the Internet is beginning to liberate education from the confines of traditional time and space. As of November 2005, the North American Council for Online Learning listed 157 unique online learning programs in 42 states, including 32 virtual charter schools, 3 online home-school programs, and programs in 53 public, non-charter virtual schools. What do schools without class periods, grade levels, six-hour school days, or 180-day school years look like? Do they use buildings, have classrooms, remain part of districts? How do they help children learn? As technology continues its headlong leap to new frontiers and as we understand more about what works (and what doesn't), education technology will continue to expand and evolve.

—Randall Greenway and Gregg Vanourek

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How much do you "tip" your cable TV company every month?

The answer will shock you.

The vast majority of Americans don't have a real choice in television.[1]

That's why they pay more.

How much more? A January report from Bank of America Equity Research says in places that allow competition, prices have dropped 28 to 42%.[2]

Do the math — that's an extra $20 a month on a $60 cable bill. It's like having to tip the cable company for the privilege of not having a real choice.

Fortunately, that might change. Congress is considering a proposal to give people a new choice to traditional cable TV.

To make your voice heard, call 1-888-346-1400 or visit www.wewantchoice.com.

1. Evidence shows that the presence of another wireline operator is critical to effective competition. The General Accounting Office found that DBS (satellite) competition causes only "a slight reduction" in cable prices while "competition from a second wire-based operator appears to significantly lower cable prices." GAO-04-8: Issues Related to Competition and Subscriber Rates in the Cable Television Industry, October 2003.
2. In areas where wireline competition has been introduced, the incumbent cable provider cut prices between 28-42%. "Battle for the Bundle: Consumer Wireline Services Pricing," Bank of America Equity Research, January 23, 2006.

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